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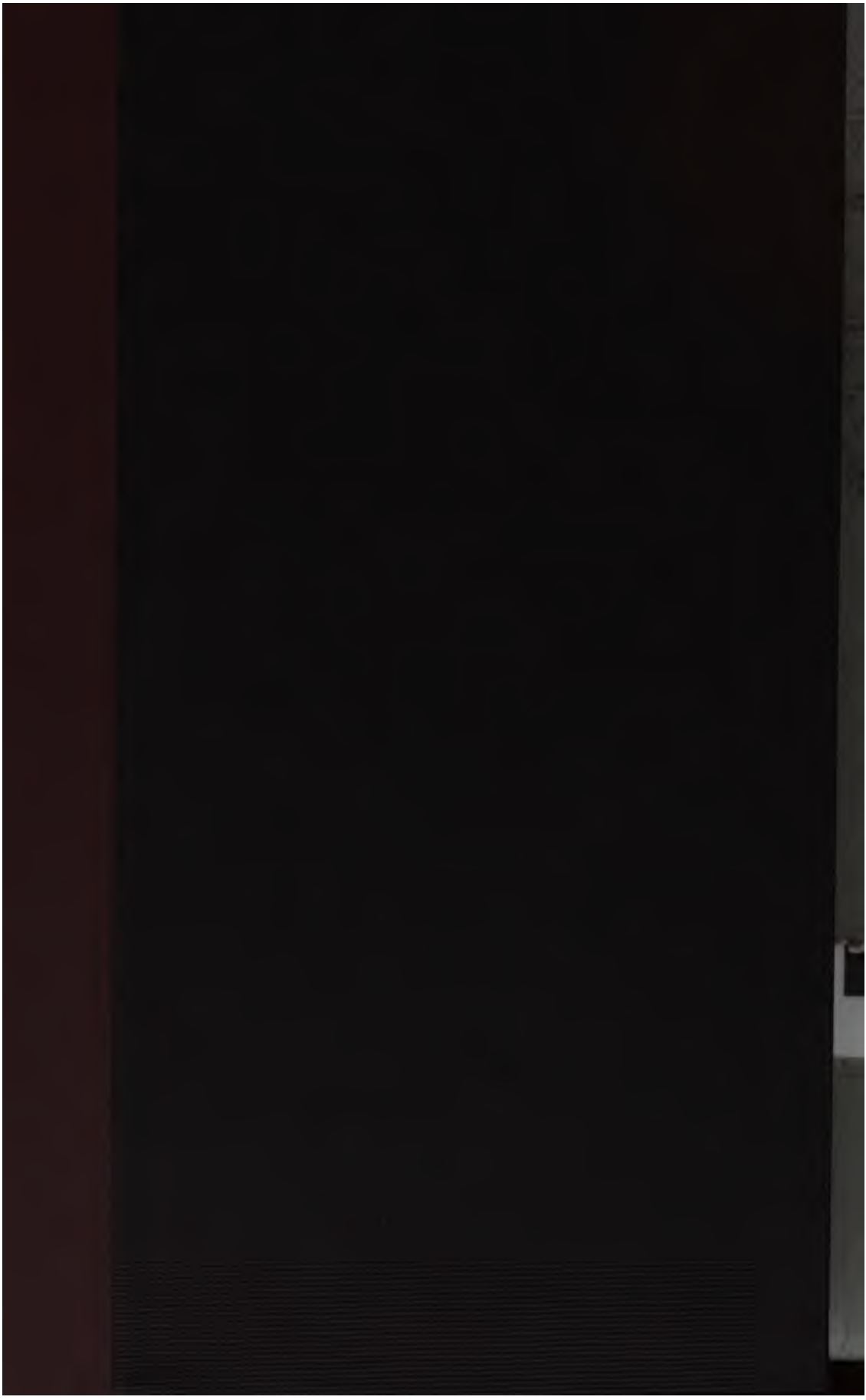

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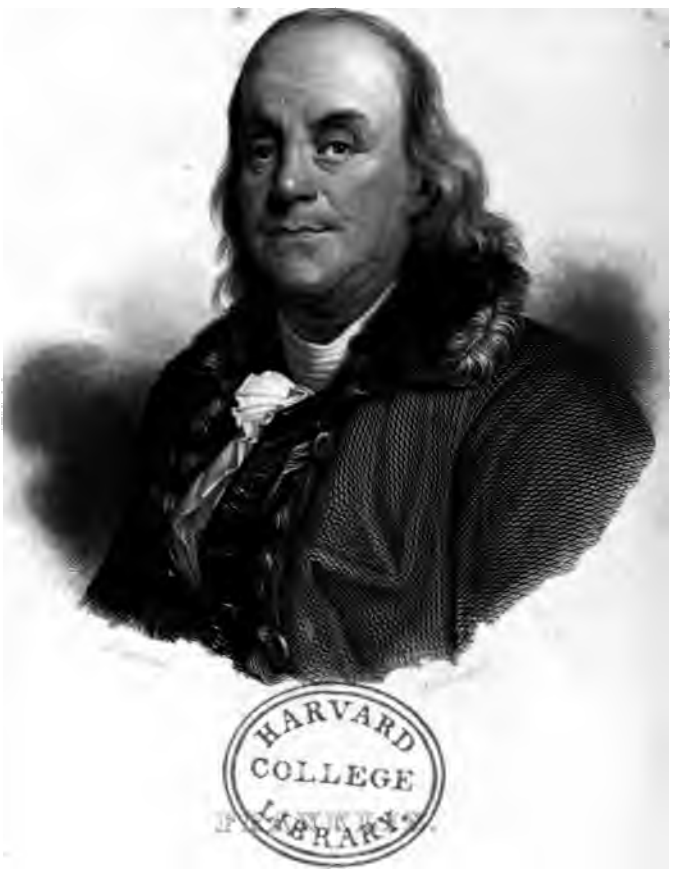

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WITH

NOTES

AND

A LIFE OF THE AUTHOR.

By JARED SPARKS.

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ESSAYS AND TRACTS,

HISTORICAL AND POLITICAL,

BEFORE

THE AMERICAN REVOLUTION.

PLAIN TRUTH;

OR

SERIOUS CONSIDERATIONS

ON

THE PRESENT STATE OF THE CITY OF PHILADELPHIA AND PROVINCE OF PENNSYLVANIA.

BY A TRADESMAN OF PHILADELPHIA.

Captâ urbe, nihil fit reliqui victis. Sed, per deos immortales, vos ego appello, qui semper domos, villas, signa, tabulas vestras, [tantæ æstimationis] fecistis; si ista, cujuscumque modi sint, quæ amplexamini, retinere, si voluptatibus vestris otium præbere vultis; expergiscimini aliquando, et capessite rempublicam. Non agitur [nunc] ..... de sociorum injuriis; *libertas et anima* nostra in dubio est. ..... Dux hostium cum exercitu supra caput est. Vos cunctamini etiam nunc, et dubitatis quid ..... faciatis? ..... Scilicet res ipsa aspera est, sed vos non timetis eam. Imo vero maxime; sed inertiâ et mollitiâ animi, alius alium exspectantes, cunctamini; videlicet diis immortalibus confisi, qui hanc rempublicam in maximis sæpe periculis servavere. *Non votis, neque suppliciis muliebribus, auxilia deorum parantur;* vigilando, agendo, bene consulendo, prospere omnia cedunt. Ubi socordiæ te atque ignaviæ tradideris, nequicquam deos implores; irati infestique sunt.

M. POR. CATO, in SALLUST.

THE precise date of the publication of this tract is not known. Dr. Smith, in his *Eulogium on Franklin*, speaks of it as follows. "In 1744 a Spanish privateer, having entered the Bay of Delaware, ascended as high as Newcastle, to the great terror of the citizens of Philadelphia. On this occasion Franklin wrote his first political pamphlet, called PLAIN TRUTH, to exhort his fellow-citizens to the bearing of arms; which laid the foundation of those military associations, which followed at different times for the defence of the country." From this paragraph it has been inferred, that the pamphlet first appeared in the year 1744; but it probably was not published till a year or two afterwards. The first edition I have

never seen, but there are several copies of the second edition in the public libraries of Philadelphia, "printed in the year 1747." Considering the effect produced on the public mind by this pamphlet, it is not likely that so long a space as three years elapsed before a second edition was called for.

The following are Dr. Franklin's remarks upon this subject, contained in the part of his Memoirs written near the close of his life.

"With respect to defence, Spain having been several years at war against Great Britain, and being at length joined by France, which brought us into great danger; and the labored and long-continued endeavour of our Governor, Thomas, to prevail with our Quaker Assembly to pass a militia law, and make other provisions for the security of the province, having proved abortive; I proposed to try what might be done by a voluntary subscription of the people. To promote this, I first wrote and published a pamphlet, entitled PLAIN TRUTH, in which I stated our helpless situation in strong lights, with the necessity of union and discipline for our defence, and promised to propose in a few days an association, to be generally signed for that purpose. The pamphlet had a sudden and surprising effect. I was called upon for the instrument of association; having settled the draft of it with a few friends, I appointed a meeting of the citizens in the large building before mentioned. The house was pretty full; I had prepared a number of printed copies, and provided pens and ink dispersed all over the room. I harangued them a little on the subject, read the paper, explained it, and then distributed the copies, which were eagerly signed, not the least objection being made. When the company separated, and the papers were collected, we found above twelve hundred signatures; and, other copies being dispersed in the country, the subscribers amounted at length to upwards of ten thousand. These all furnished themselves as soon as they could with arms, formed themselves into companies and regiments, chose their own officers, and met every week to be instructed in the manual exercise, and other parts of military discipline. The women, by subscriptions among themselves, provided silk colors, which they presented to the companies, painted with different devices and mottos, which I supplied.

"The officers of the companies composing the Philadelphia regiment, being met, chose me for their colonel; but, conceiving myself unfit, I declined that station, and recommended Mr. Lawrence, a fine person, and a man of influence, who was accordingly

appointed. I then proposed a lottery to defray the expense of building a battery below the town, and furnished with cannon. It filled expeditiously, and the battery was soon erected, the merlons being framed of logs and filled with earth. We bought some old cannon from Boston; but, these not being sufficient, we wrote to London for more, soliciting at the same time our proprietaries for some assistance, though without much expectation of obtaining it. Meanwhile Colonel Lawrence, ——— Allen, Abraham Taylor, Esquires, and myself, were sent to New York by the associators, commissioned to borrow some cannon of Governor Clinton. He at first refused us peremptorily; but at a dinner with his Council, where there was great drinking of Madeira wine, as the custom of that place then was, he softened by degrees, and said he would lend us six. After a few more bumpers he advanced to ten; and at length he very good-naturedly conceded eighteen. They were fine cannon, eighteen pounders, with their carriages, which were soon transported and mounted on our batteries; where the associators kept a nightly guard while the war lasted; and, among the rest, I regularly took my turn of duty there, as a common soldier."

The pamphlet was translated into German, for the purpose of being circulated among the German population in Pennsylvania. An answer to it, entitled NECESSARY TRUTH, and written upon the Quaker principles of non-resistance, was published in 1748. Dr. Mease has examined the files of Franklin's *Pennsylvania Gazette*, and other records in Philadelphia, relating to the period in question, and is satisfied, that the first edition of PLAIN TRUTH did not appear before 1746 or 1747. In the latter year are found accounts of the meetings of the associators, their firings and marchings, and other military displays; as also the devices and mottos of the several flags presented by the ladies. The celebrated Gilbert Tennent, then resident in Philadelphia, inculcated the doctrines of PLAIN TRUTH from the pulpit; particularly in a sermon *On the Lawfulness of Defensive War*, published in the year 1747.

As a characteristic trait of Franklin, to enforce precepts and instructions by emblematical signs, it may be mentioned, that the second edition of PLAIN TRUTH is adorned by a wood-cut representing the fable of *Hercules and the Wagoner*. Hercules sits enthroned on a cloud, with one arm resting on his club; three horses are struggling in vain to drag a heavily loaded wagon from a slough; and the wagoner is on his knees, with uplifted hands, imploring the aid of Hercules. Houses and trees are in the back ground.

The design and the wood-cut are not badly executed. At the bottom is a part of the motto inserted in the title-page; *Non votis, neque suppliciis muliebribus, auxilia deorum parantur.* — EDITOR.

IT is said, the wise Italians make this proverbial remark on our nation, viz. "The English *feel*, but they do not *see*." That is, they are sensible of inconveniences when they are present, but do not take sufficient care to prevent them; their natural courage makes them too little apprehensive of danger, so that they are often surprised by it, unprovided of the proper means of security. When it is too late, they are sensible of their imprudence; after great fires, they provide buckets and engines; after a pestilence, they think of keeping clean their streets and common-sewers; and when a town has been sacked by their enemies, they provide for its defence, &c. This kind of after-wisdom is indeed so common with us, as to occasion the vulgar, though very significant saying, *When the steed is stolen, you shut the stable door.*

But the more insensible we generally are of public danger and indifferent when warned of it, so much the more freely, openly, and earnestly, ought such as apprehend it to speak their sentiments; that, if possible, those who seem to sleep may be awakened, to think of some means of avoiding or preventing the mischief, before it be too late.

Believing, therefore, that it is my *duty*, I shall honestly speak my mind in the following paper.

War, at this time, rages over a great part of the known world; our newspapers are weekly filled with fresh accounts of the destruction it everywhere occasions. Pennsylvania, indeed, situate in the centre of the colonies, has hitherto enjoyed profound repose;

and though our nation is engaged in a bloody war, with two great and powerful kingdoms, yet, defended, in a great degree, from the French, on the one hand, by the northern provinces, and from the Spaniards, on the other, by the southern, at no small expense to each, our people have, till lately, slept securely in their habitations.

There is no British colony, excepting this, but has made some kind of provision for its defence; many of them have therefore never been attempted by an enemy; and others, that were attacked, have generally defended themselves with success. The length and difficulty of our bay and river have been thought so effectual a security to us, that hitherto no means have been entered into, that might discourage an attempt upon us, or prevent its succeeding.

But, whatever security this might have been while both country and city were poor, and the advantage to be expected scarce worth the hazard of an attempt, it is now doubted, whether we can any longer safely depend upon it. Our wealth, of late years much increased, is one strong temptation, our defenceless state another, to induce an enemy to attack us; while the acquaintance they have lately gained with our bay and river, by means of the prisoners and flags of truce they have had among us; by spies which they almost everywhere maintain, and perhaps from traitors among ourselves; with the facility of getting pilots to conduct them; and the known absence of ships of war, during the greatest part of the year, from both Virginia and New York, ever since the war began, render the appearance of success to the enemy far more promising, and therefore highly increase our danger.

That our enemies may have spies abroad, and some even in these colonies, will not be made much doubt

of, when it is considered, that such has been the practice of all nations in all ages, whenever they were engaged, or intended to engage, in war. Of this we have an early example in the Book of Judges (too pertinent to our case, and therefore I must beg leave a little to enlarge upon it), where we are told, (Chap. xviii. v. 2,) that *the children of Dan sent of their family five men from their coasts to spy out the land, and search it, saying, Go, search the land.* These Danites, it seems, were at this time not very orthodox in their religion, and their spies met with a certain idolatrous priest of their own persuasion, (v. 3,) and they said to him, *Who brought thee hither? What makest thou in this place? And what hast thou here?* [Would to God no such priests were to be found among us.] *And they said unto him,* (v. 5,) *Ask counsel of God, that we may know, whether our way which we go shall be prosperous; and the priest said unto them, Go in peace; before the Lord is your way wherein you go.* [Are there no priests among us, think you, that might, in the like case, give an enemy as good encouragement? It is well known, that we have numbers of the same religion with those, who of late encouraged the French to invade our mother country.] *And they came,* (v. 7,) *to Laish, and saw the people that were therein, how they dwelt* CARELESS, *after the manner of the Zidonians,* QUIET *and* SECURE. They *thought* themselves secure, no doubt; and as they *never had been* disturbed, vainly imagined they *never should.* It is not unlikely, that some might see the danger they were exposed to by living in that *careless* manner; but that, if these publicly expressed their apprehensions, the rest reproached them as timorous persons, wanting courage or confidence in their gods, who (they might say) had hitherto protected them.

But the spies, (v. 8,) returned, and said to their countrymen, (v. 9,) *Arise, that we may go up against them; for we have seen the land, and behold it is very good. And are ye still? Be not slothful to go.* (Verse 10,) *When ye go, ye shall come to a people* SECURE, [that is, a people that apprehend no danger, and therefore have made no provision against it; great encouragement this!] *and to a large land, and a place where there is no want of any thing.* What could they desire more? Accordingly, we find in the following verses, that *six hundred men* only, *appointed with weapons of war*, undertook the conquest of this *large land;* knowing that six hundred men, armed and disciplined, would be an overmatch perhaps for sixty thousand unarmed, undisciplined, and off their guard. And when they went against it, the idolatrous priest, (v. 17,) *with his graven image, and his ephod, and his teraphim, and his molten image,* (plenty of superstitious trinkets,) joined with them, and, no doubt, gave them all the intelligence and assistance in his power; his heart, as the text assures us, *being glad,* perhaps for reasons more than one. And now, what was the fate of poor Laish? The six hundred men, being arrived, found, as the spies had reported, a people QUIET and SECURE, (vv. 27, 28.) *And they smote them with the edge of the sword, and burnt the city with* FIRE; *and there was no* DELIVERER, *because it was far from Zidon.*—Not so far from Zidon, however, as Pennsylvania is from Britain; and yet we are, if possible, more careless than the people of Laish! As the Scriptures are given for our reproof, instruction, and warning, may we make a due use of this example, before it be too late!*

* This argument from the Scriptures was answered by the author of NECESSARY TRUTH as follows.

"The children of Dan were at this time departed from the true faith,

And is our country, any more than our city, altogether free from danger? Perhaps not. We have, it is true, had a long peace with the Indians; but it is a long peace indeed, as well as a long lane, that has no ending, The French know the power and importance of the Six Nations, and spare no artifice, pains, or expense to gain them to their interest. By their priests they have converted many to their religion, and these* have openly espoused their cause. The rest appear irresolute what part to take; no persuasions, though enforced with costly presents, having yet been able to engage them generally on our side,

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had forsaken the God of their fathers, and were gone into idolatry; from hence may be easily accounted their covetous disposition of invading their neighbours.

"The People of Laish, we are told in the same Chapter, verse 7, *dwelt careless, after the manner of the Zidonians, quiet and secure, and there was no magistrate in the land, that might put them to shame in any thing.* This appears to be the real state of the case. They had thrown off all restraint, and were arrived to that degree of extravagance as to be quite shameless; and therefore no wonder they were liable every moment to be destroyed, and *to be smote with the edge of the sword, and the city to be burned with fire,* for *there was no deliverer, because it was far from Zidon.* This, I presume, cannot allude to the beforementioned Zidon, because, according to the comparison there introduced, they, like themselves, '*dwelt careless.*' Nor can it be reasonably supposed to be any other Zidon then upon the earth, because an evident absurdity would follow, in supposing that any such could afford *a deliverer.* We are therefore under the necessity to extend the application, and to suppose the deliverer, here alluded to, to be that from *Mount Sion,* a deliverer infinite in power, and the only deliverer that could then, or can now, do the business effectually. But this deliverer, it seems, was out of the question. They possibly thought it '*timorous and womanish*' to expect it, and therefore neglected the suitable means to obtain it, and the consequence was desolation and ruin."

The remainder of the writer's argument proceeds on the same ground, namely, that war is unjustifiable, and not to be guarded against by "arms, ammunition, and a feasible posture of defence," but by cultivating the peaceful virtues, and a Christian temper, and relying on assistance from Heaven to avert the calamities brought upon the world by the evil designs of men. — EDITOR.

* The Praying Indians.

though we had numerous forces on their borders, ready to second and support them. What then may be expected, now those forces are, by orders from the crown, to be disbanded; when our boasted expedition is laid aside, through want (as it may appear to them) either of strength or courage; when they see, that the French and their Indians, boldly and with impunity, ravage the frontiers of New York and scalp the inhabitants; when those few Indians, that engaged with us against the French, are left exposed to their resentment? When they consider these things, is there no danger that, through disgust at our usage, joined with fear of the French power, and greater confidence in their promises and protection than in ours, they may be wholly gained over by our enemies, and join in the war against us? If such should be the case, which God forbid, how soon may the mischief spread to our frontier counties? And what may we expect to be the consequence, but desertion of plantations, ruin, bloodshed, and confusion?

Perhaps some in the city, towns, and plantations near the river, may say to themselves, "An Indian war on the frontiers will not affect us; the enemy will never come near our habitations; let those concerned take care of themselves." And others who live in the country, when they are told of the danger the city is in from attempts by sea, may say, "What is that to us? The enemy will be satisfied with the plunder of the town, and never think it worth his while to visit our plantations; let the town take care of itself." These are not mere suppositions, for I have heard some talk in this strange manner. But are these the sentiments of true Pennsylvanians, of fellow-countrymen, or even of men that have common sense or goodness? Is not the whole province one body, united by living under

the same laws, and enjoying the same privileges? Are not the people of city and country connected as relations, both by blood and marriage, and in friendships equally dear? Are they not likewise united in interest, and mutually useful and necessary to each other? When the feet are wounded, shall the head say, "It is not me; I will not trouble myself to contrive relief!" Or if the head is in danger, shall the hands say, "We are not affected, and therefore will lend no assistance!" No. For so would the body be easily destroyed; but when all parts join their endeavours for its security, it is often preserved. And such should be the union between the country and the town; and such their mutual endeavours for the safety of the whole. When New England, a distant colony, involved itself in a grievous debt to reduce Cape Breton, we freely gave four thousand pounds for *their* relief. And at another time, remembering that Great Britain, still more distant, groaned under heavy taxes in supporting the war, we threw in our mite to their assistance, by a free gift of three thousand pounds; and shall country and town join in helping strangers (as those comparatively are), and yet refuse to assist each other?

But whatever different opinions we have of our security in other respects, our TRADE, all seem to agree, is in danger of being ruined in another year. The great success of our enemies, in two different cruises this last summer in our bay, must give them the greatest encouragement to repeat more frequently their visits, the profit being almost certain, and the risk next to nothing. Will not the first effect of this be, an enhancing of the price of all foreign goods to the tradesman and farmer, who use or consume them? For the rate of insurance will increase, in proportion to the hazard of importing them; and in the same propor-

tion will the price of those goods increase. If the price of the tradesman's work and the farmer's produce would increase equally with the price of foreign commodities, the damage would not be so great; but the direct contrary must happen. For the same hazard or rate of insurance, that raises the price of what is imported, must be deducted out of, and lower the price of what is exported. Without this addition and deduction, as long as the enemy cruise at our capes, and take those vessels that attempt to *go out*, as well as those that endeavour to *come in*, none can afford to trade, and business must be soon at a stand. And will not the consequences be, a discouragement of many of the vessels that used to come from other places to purchase our produce, and thereby a turning of the trade to ports, that can be entered with less danger, and capable of furnishing them with the same commodities, as New York, &c.; a lessening of business to every shopkeeper, together with multitudes of bad debts, the high rate of goods discouraging the buyers, and the low rates of their labor and produce rendering them unable to pay for what they had bought; loss of employment to the tradesman, and bad pay for what little he does; and, lastly, loss of many inhabitants, who will retire to other provinces not subject to the like inconveniences; whence a lowering of the value of lands, lots, and houses?

The enemy, no doubt, have been told, that the people of Pennsylvania are Quakers, and against all defence, from a principle of conscience. This, though true of a part, and that a small part only of the inhabitants, is commonly said of the whole; and what may make it look probable to strangers is, that, in fact, nothing is done by any part of the people towards their defence. But to refuse defending one's self, or

one's country, is so unusual a thing among mankind, that possibly they may not believe it, till, by experience, they find they can come higher and higher up our river, seize our vessels, land and plunder our plantations and villages, and retire with their booty unmolested. Will not this confirm the report, and give them the greatest encouragement to strike one bold stroke for the city, and for the whole plunder of the river?

It is said by some, that the expense of a vessel, to guard our trade, would be very heavy, greater than perhaps all the enemy can be supposed to take from us at sea would amount to; and that it would be cheaper for the government to open an insurance office, and pay all losses. But is this right reasoning? I think not; for what the enemy takes is clear loss to us, and gain to him; increasing his riches and strength, as much as it diminishes ours, so making the difference double; whereas the money, paid our own tradesmen for building and fitting out a vessel of defence, remains in the country, and circulates among us; what is paid to the officers and seamen, that navigate her, is also spent ashore, and soon gets into other hands; the farmer receives the money for her provisions, and, on the whole, nothing is clearly lost to the country but her wear and tear, or so much as she sells for at the end of the war less than her first cost. This loss, and a trifling one it is, is all the inconvenience; but how many and how great are the conveniences and advantages! And should the enemy, through our supineness and neglect to provide for the defence both of our trade and country, be encouraged to attempt this city, and, after plundering us of our goods, either burn it, or put it to ransom, how great would that loss be! besides the confusion, terror, and dis-

tress, so many hundreds of families would be involved in!

The thought of this latter circumstance so much affects me, that I cannot forbear expatiating somewhat more upon it. You have, my dear countrymen and fellow-citizens, riches to tempt a considerable force to unite and attack you, but are under no ties or engagements to unite for your defence. Hence, on the first alarm, terror will spread over all; and, as no man can with certainty depend that another will stand by him, beyond doubt very many will seek safety by a speedy flight. Those, that are reputed rich, will flee, through fear of torture, to make them produce more than they are able. The man, that has a wife and children, will find them hanging on his neck, beseeching him with tears to quit the city, and save his life, to guide and protect them in that time of general desolation and ruin. All will run into confusion, amidst cries and lamentations, and the hurry and disorder of departers, carrying away their effects. The few that remain will be unable to resist. Sacking the city will be the first, and burning it, in all probability, the last act of the enemy. This, I believe, will be the case, if you have timely notice. But what must be your condition, if suddenly surprised, without previous alarm, perhaps in the night! Confined to your houses, you will have nothing to trust to but the enemy's mercy. Your best fortune will be, to fall under the power of commanders of king's ships, able to control the mariners, and not into the hands of *licentious privateers.* Who can, without the utmost horror, conceive the miseries of the latter, when your persons, fortunes, wives, and daughters shall be subject to the wanton and unbridled rage, rapine, and lust of negroes, mulattoes, and others, the vilest and most abandoned of

mankind.* A dreadful scene! which some may represent as exaggerated. I think it my duty to warn you; judge for yourselves.

It is true, with very little notice, the rich may shift for themselves. The means of speedy flight are ready in their hands; and with some previous care to lodge money and effects in distant and secure places, though they should lose much, yet enough may be left them, and to spare. But most unhappily circumstanced indeed are we, the middling people, the tradesmen, shopkeepers, and farmers of the province and city! We cannot all fly with our families; and, if we could, how shall we subsist? No; we and they, and what little we have gained by hard labor and industry, must bear the brunt; the weight of contributions, extorted by the enemy, (as it is of taxes among ourselves) must be surely borne by us. Nor can it be avoided, as we stand at present; for, though we are numerous, we are quite defenceless, having neither forts, arms, union, nor discipline. And though it were true, that our trade might be protected at no great expense, and our country and our city easily defended, if proper measures were but taken, yet who shall take these measures? Who shall pay that expense? On whom may we fix our eyes with the least expectation, that they will do any thing for our security? Should we address that wealthy and powerful body of people,

* By accounts, the ragged crew of the Spanish privateer that plundered Mr. Liston's, and another plantation, a little below Newcastle, was composed of such as these. The *honor* and *humanity* of their officers may be judged of, by the treatment they gave poor Captain Brown, whom they took with Martin's ship in returning from their cruise. Because he bravely defended himself and vessel longer than they expected, for which every generous enemy would have esteemed him, did they, after he had struck and submitted, barbarously *stab* and *murder* him, though on his knees, begging quarter!

who have ever since the war governed our elections, and filled almost every seat in our Assembly;—should we entreat them to consider, if not as friends, at least as legislators, that *protection* is as truly due from the government to the people, as *obedience* from the people to the government; and that if, on account of their religious scruples, they themselves could do no act for our defence, yet they might retire, relinquish their power for a season, quit the helm to freer hands during the present tempest, to hands, chosen by their own interest too, whose prudence and moderation, with regard to them, they might safely confide in, secure, from their own native strength, of resuming again their present station, whenever it shall please them;—should we remind them, that the public money, raised *from all*, belongs *to all;* that since they have, for their own ease, and to secure themselves in the quiet enjoyment of their religious principles (and may they long enjoy them), expended such large sums to oppose petitions, and engage favorable representations of their conduct, if they themselves could by no means be free to appropriate any part of the public money for our defence, yet it would be no more than justice to spare us a reasonable sum for that purpose, which they might easily give to the King's use as heretofore, leaving all the appropriation to others, who would faithfully apply it as we desired;—should we tell them, that, though the treasury be at present empty, it may soon be filled by the outstanding public debts collected, or at least credit might be had for such a sum, on a single vote of the Assembly; that though *they* themselves may be resigned and easy under this naked, defenceless state of the country, it is far otherwise with a very great part of the people,—with *us*, who can have no confidence that God will protect

those, that neglect the use of rational means for their security; nor have any reason to hope, that our losses, if we should suffer any, may be made up by collections in our favor at home;—should we conjure them by all the ties of neighbourhood, friendship, justice, and humanity, to consider these things; and what distraction, misery, and confusion, what desolation and distress, may possibly be the effect of their *unseasonable* predominancy and perseverance;—yet all would be in vain; for they have already been, by great numbers of the people, petitioned in vain. Our late Governor did for years solicit, request, and even threaten them in vain. The Council have since twice remonstrated to them in vain. Their religious prepossessions are unchangeable, their obstinacy invincible. Is there then the least hope remaining, that from that quarter any thing should arise for our security?

And is our prospect better, if we turn our eyes to the strength of the opposite party, those great and rich men, merchants, and others, who are ever railing at Quakers for doing what their principles seem to require, and what in charity we ought to believe they think their duty, but take no one step themselves for the public safety? They have so much wealth and influence, if they would use it, that they might easily, by their endeavours and example, raise a military spirit among us, make us fond, studious of, and expert in, martial discipline, and effect every thing that is necessary, under God, for our protection. But *envy* seems to have taken possession of their hearts, and to have eaten out and destroyed every generous, noble, public-spirited sentiment. *Rage*, at the disappointment of their little schemes for power, gnaws their souls, and fills them with such cordial hatred to their opponents, that every proposal, by the execution of which *those*

may receive benefit as well as themselves, is rejected with indignation. "What," say they, "shall we lay out our money to protect the trade of Quakers? Shall we fight to defend Quakers? No; let the trade perish, and the city burn; let what will happen, we shall never lift a finger to prevent it." Yet the Quakers have *conscience* to plead for their resolution not to fight, which these gentlemen have not. Conscience with you, gentlemen, is on the other side of the question; conscience enjoins it as a *duty* on you (and indeed I think it such on every man) to defend your country, your friends, your aged parents, your wives, and helpless children; and yet you resolve not to perform this duty, but act contrary to your own consciences, because the Quakers act according to theirs. Till of late, I could scarce believe the story of him, who refused to pump in a sinking ship, because one on board, whom he hated, would be saved by it as well as himself. But such, it seems, is the unhappiness of human nature, that our passions, when violent, often are too hard for the united force of reason, duty, and religion.

Thus unfortunately are we circumstanced at this time, my dear countrymen and fellow-citizens; we, I mean, the middling people, the farmers, shopkeepers, and tradesmen of this city and country. Through the dissensions of our leaders, through mistaken principles of religion, joined with a love of worldly power, on the one hand; through pride, envy, and implacable resentment on the other; our lives, our families, and little fortunes, dear to us as any great man's can be to him, are to remain continually exposed to destruction, from an enterprising, cruel, now well-informed, and by success encouraged, enemy. It seems as if Heaven, justly displeased at our growing wickedness,

and determined to punish * this once-favored land, had suffered our chiefs to engage in these foolish and mischievous contentions for little posts and paltry distinctions, that our hands might be bound up, our understandings darkened and misled, and every means of our security neglected. It seems as if our greatest men, our *cives nobilissimi* † of both parties, had sworn the ruin of the country, and invited the French, our most inveterate enemy, to destroy it. Where then shall we seek for succour and protection? The government we are immediately under denies it to us; and if the enemy comes, we are *far from Zidon, and there is no deliverer near.* Our case is dangerously bad; but perhaps there is yet a remedy, if we have but the prudence and the spirit to apply it.

If this new, flourishing city, and greatly improving colony, is destroyed and ruined, it will not be for want of numbers of inhabitants able to bear arms in its defence. It its computed, that we have at least (exclusive of the Quakers) sixty thousand fighting men, acquainted with firearms, many of them hunters and marksmen, hardy and bold. All we want is order, discipline, and a few cannon. At present we are like the separate filaments of flax before the thread is formed, without strength, because without connexion; but UNION would make us strong, and even formidable, though the *great* should neither help nor join us;

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* When God determined to punish his chosen people, the inhabitants of Jerusalem, who, though breakers of his other laws, were scrupulous observers of that ONE, which required keeping holy the Sabbath-day, he suffered even the strict observation of that command to be their ruin; for Pompey, observing that they then obstinately refused to fight, made a general assault on that day, took the town, and butchered them with as little mercy as he found resistance. — JOSEPHUS.

† Conjuravere cives nobilissimi patriam incendere; GALLORUM GENTEM, infestissimam nomini Romano, ad bellum arcessunt. — CATO, in SALLUST.

though they should even oppose our uniting, from some mean views of their own, yet, if we resolve upon it, and it pleases God to inspire us with the necessary prudence and vigor, it *may* be effected. Great numbers of our people are of British race; and, though the fierce fighting animals of those happy Islands are said to abate their native fire and intrepidity, when removed to a foreign clime, yet with the people it is not so; our neighbours of New England afford the world a convincing proof, that Britons, though a hundred years transplanted, and to the remotest part of the earth, may yet retain, even to the third and fourth descent, that zeal for the public good, that military prowess, and that undaunted spirit, which has in every age distinguished their nation. What numbers have we likewise of *those brave people*, whose fathers in the last age made so glorious a stand for our religion and liberties, when invaded by a powerful French army, joined by Irish Catholics, under a bigoted Popish king! Let the memorable siege of Londonderry, and the signal actions of the Iniskillingers, by which the heart of that prince's schemes was broken, be perpetual testimonies of the courage and conduct of those noble warriors! Nor are there wanting amongst us thousands of that warlike nation, whose sons have ever since the time of Cæsar maintained the character he gave their fathers, of joining the most obstinate courage to all the other military virtues; I mean the brave and steady Germans. Numbers of whom have actually borne arms in the service of their respective Princes; and, if they fought well for their tyrants and oppressors, would they refuse to unite with us in defence of their newly acquired and most precious liberty and property? Were this union formed,

were we once united, thoroughly armed and disciplined, was every thing in our power done for our security, as far as human means and foresight could provide, we might then, with more propriety, humbly ask the assistance of Heaven, and a blessing on our lawful endeavours. The very fame of our strength and readiness would be a means of discouraging our enemies; for it is a wise and true saying, that *one sword often keeps another in the scabbard.* The way to secure peace is to be prepared for war. They, that are on their guard, and appear ready to receive their adversaries, are in much less danger of being attacked, than the supine, secure, and negligent. We have yet a winter before us, which may afford a good and almost sufficient opportunity for this, if we seize and improve it with a becoming vigor. And if the hints contained in this paper are so happy as to meet with a suitable disposition of mind in his countrymen and fellow-citizens, the writer of it will, in a few days, lay before them a form of ASSOCIATION for the purposes herein mentioned, together with a practicable scheme for raising the money necessary for the defence of our trade, city, and country, without laying a burthen on any man.

May the God of wisdom, strength, and power, the Lord of the armies of Israel, inspire us with prudence in this time of danger, take away from us all the seeds of contention and division, and unite the hearts and counsels of all of us, of whatever sect or nation, in one bond of peace, brotherly love, and generous public spirit; may he give us strength and resolution to amend our lives, and remove from among us every thing that is displeasing to him; afford us his most gracious protection, confound the designs of our ene-

mies, and give peace in all our borders, is the sincere prayer of

A TRADESMAN OF PHILADELPHIA.*

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* At the end of the second edition is added the following communication, purporting to be an extract from the *Pennsylvania Gazette*, for November 19th, 1747.

"MR. FRANKLIN,

For the entertainment of your readers unskilled in the Latin tongue, I send you a translation of the sentences prefixed to the pamphlet called PLAIN TRUTH, lately published. I cannot say the translation is strictly verbal, nor do I pretend to have reached the masterly force and beauty of the original. To transfuse the spirit of the noble Roman patriot into our language, requires a much abler pen. If I have given you his general sense and meaning, it will fully answer my design and expectation. Be pleased to let it have a place in your next, and you will much oblige Yours, &c.

"X.

"TRANSLATION.

"Should the city be taken, all will be lost to the conquered. Therefore, if you desire to preserve your buildings, houses, and country-seats, your statues, paintings, and all your other possessions, which you so highly esteem; if you wish to continue in the enjoyment of them, or to have leisure for any future pleasures, I beseech you by the immortal Gods, rouse at last, awake from your lethargy, and save the commonwealth. It is not the trifling concern of injuries from your allies that demands your attention; your liberties, lives, and fortunes, with every thing that is interesting and dear to you, are in the most imminent danger. Can you doubt of or delay what you ought to do, now, when the enemy's swords are unsheathed, and descending on your heads? The affair is shocking and horrid! Yet, perhaps, you are not afraid. Yes, you are terrified to the highest degree. But through indolence and supineness of soul, gazing at each other, to see who shall first rise to your succour; and a presumptuous dependence on the immortal Gods, who indeed have preserved this republic in many dangerous seasons; you delay and neglect every thing necessary for your preservation. Be not deceived; Divine assistance and protection are not to be obtained by timorous prayers, and womanish supplications. To succeed, you must join salutary counsels, vigilance, and courageous actions. If you sink into effeminacy and cowardice; if you desert the tender and helpless, by Providence committed to your charge, never presume to implore the Gods; it will provoke them, and raise their indignation against you."

PAPERS

RELATING TO A PLAN OF UNION OF THE COLONIES,

ADOPTED BY COMMISSIONERS ASSEMBLED AT ALBANY IN JULY, 1754.

The prospect of a French war, and the hostile attitude already assumed by tribes of Indians on the frontiers, induced the British government to seek for the means of providing for a timely and efficient resistance in the colonies. With a view to this end, an order was sent over by the Lords of Trade, directing that commissioners should be appointed in several of the provinces to assemble at Albany. The immediate object was to conciliate the Six Nations, by giving them presents, and renewing a treaty, by which they should be prevented from going over to the French, or being drawn away by the Indians under their influence.

The day appointed for the assembling of the commissioners was the 14th of June, 1754, at Albany, but they did not meet till the 19th; when it was found that the following colonies were represented, namely, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and Maryland. The whole number appointed was twenty-five, who all attended. Franklin was one of the delegates from Pennsylvania. Several days were spent in holding interviews with the Indians, hearing and making speeches, and distributing the presents, which had been provided at the expense of the different colonies, to such amounts as were authorized by a previous vote of their respective Assemblies. The chief speaker for the Indians was the Mohawk Sachem, Hendrick, renowned for the boldness and force of his eloquence. In one of his speeches to the convention, in reply to a hint that the Six Nations did not increase their power at the expense of their enemies, he said; "It is your fault, Brethren, that we are not strengthened by conquest. We would have gone and taken Crown

Point, but you hindered us. We had concluded to go and take it, but we were told it was too late, and that the ice would not bear us. Instead of this, you burnt your own Fort at Saratoga, and ran away from it, which was a shame and a scandal. Look around your country and see; you have no fortifications about you: no, not even to this city. It is but one step from Canada hither, and the French may easily come and turn you out of your doors. You were desirous that we should open our minds and our hearts to you. Look at the French. They are men; they are fortifying everywhere. But, we are ashamed to say it, you are all like women; bare and open without any fortifications." — *MS. Journal of the Convention.*

Although a plan of union seems to have been a topic of conversation in some circles, yet none of the delegates was instructed on this point, except those from Massachusetts. The instructions of all the others were restricted to a general concert of measures for securing the friendship of the Six Nations, and resisting the encroachments of hostile tribes and the French. In addition to these objects, the Massachusetts commissioners were authorized to "enter into articles of union and confederation for the general defence of his Majesty's subjects and interests in North America, as well in time of peace as of war." While the Indian business was in progress, this subject was brought before the convention. Under the date of June 24th, the following record is found in the Journal.

"A motion was made, that the commissioners deliver their opinion whether a union of all the colonies is not at present absolutely necessary for their security and defence. The question was accordingly put, and passed in the affirmative *unanimously*.

"On a motion made, that a Committee be appointed to prepare and receive plans or schemes for the union of the colonies, and to digest them into one general plan for the inspection of this Board; Resolved, that each government choose one of their own number to be of that Committee. Accordingly were appointed Thomas Hutchinson for Massachusetts, Theodore Atkinson for New Hampshire, William Pitkin for Connecticut, Stephen Hopkins for Rhode Island, William Smith for New York, Benjamin Franklin for Pennsylvania, and Benjamin Tasker for Maryland."

Before Franklin arrived in Albany, he had sketched the outline of a plan, which he had shown to some of his friends in New York, particularly to James Alexander and Mr. Kennedy, who he says were "gentlemen of great knowledge in public affairs."

He obtained their remarks on his project, as well as those of Cadwallader Colden, afterwards Lieutenant-Governor of New York, and celebrated for his talents and learning. When the members of the Committee met, several plans were presented, but after consultation the preference was given to Franklin's, which was reported to the convention on the 28th of June. The debates on the various topics embraced in the plan continued for twelve days. It was considered a question of moment, whether an act of Parliament was not necessary to establish such a union. This question was decided in the affirmative. The convention dissolved on the 11th of July, and the *Plan of Union* was adopted on that day or the day preceding.

It is a singular fact, that Franklin and Hutchinson, who were members of the convention, and Pownall, who was in Albany at the time, all say that the Plan was *unanimously* agreed to. *Hutchinson's History of Massachusetts*, Vol. III. p. 23. Whereas it is affirmed by Dr. Trumbull, that "the commissioners from Connecticut were wholly opposed to the plan; they imagined that it was dangerous to the liberties of the colonies, and that such a government would not act with that despatch and energy, which might be reasonably expected by his Majesty." *History of Connecticut*, Vol. II. p. 355. The same assertion is contained in a paper published by the Assembly of Connecticut, assigning reasons for not acceding to the Albany Plan of Union. It is not easy to explain this discrepancy. As the Connecticut delegates voted at first with the others, that some plan of union was necessary, perhaps they did not openly oppose the one that was adopted, but acquiesced, and hence it was inferred that they approved it.

But whatever unanimity there was in the convention, the *Plan of Union* met with very little favor abroad. It was rejected by all the colonial Assemblies before which it was brought. In England it was so unacceptable to the Board of Trade, that they did not even recommend it to the notice of the King. Franklin says, "The Assemblies all thought there was too much *prerogative* in it, and in England it was thought to have too much of the *democratic*." Considering this rejection by the two parties for opposite reasons, it was his opinion thirty years afterwards, that his plan was near the true medium. The British government had another scheme, by which the governors of the provinces, and certain members of the councils, were to assemble at stated times and transact affairs relating to war and to general defence. This was carried into partial effect in the case of General Braddock, and on one or two other occasions.

The governor of Virginia did not send delegates to the Albany convention. He was so much occupied with the French on the frontiers of that province, and with projects for Indian alliances, that he had no leisure for other undertakings. In a letter to Lieutenant-Governor Delancey, dated March 21st, he says; "As to the concerting of measures with the other governments, the time will not admit of it, as what is to be done must be done immediately. I hope to see at least two of the chiefs of the Six Nations at Winchester in May, as the design of that meeting is to make a peace between the Northern and Southern Indians; after which to make a strict alliance between them and all the British subjects on this continent." *Dinwiddie's MS. Letter-Books.* The governor failed, however, in this vast project. The meeting at Winchester was attended by a few Indians only, of subordinate rank, who came chiefly to receive his presents, and nothing was done. In truth he had a scheme of his own, which stood in the way of his joining in a general union. The year before he had recommended to the Board of Trade, that the colonies should be divided into two parts, constituting a northern and southern district, in each of which some kind of supervising power was to be established. Similar views were entertained by other persons, and were discussed in the Albany convention.

There are evidences that Franklin's thoughts had been for some time turned to a union of the colonies. He had thrown out hints to this effect in his newspaper. The *Pennsylvania Gazette* for May 9th, 1754, contains an account of the capture by the French of Captain Trent's party, who were erecting a fort (afterwards Fort Duquesne) at the Fork of the Ohio. The article was undoubtedly written by the editor. After narrating the particulars, and urging union to resist aggression, he adds; "The confidence of the French in this undertaking seems well grounded in the present disunited state of the British colonies, and the extreme difficulty of bringing so many different governments and assemblies to agree in any speedy and effectual measures for our common defence and security; while our enemies have the very great advantage of being under one direction, with one council, and one purse." At the end of the article is a wood-cut, in which is the figure of a snake, separated into parts, to each of which is affixed the initial of one of the colonies, and at the bottom in large capital letters the motto, JOIN OR DIE. It is well known, that this device was adopted with considerable effect at the beginning of the Revolution. In some of the newspapers of that

day the mutilated snake makes a conspicuous head-piece, running across the page, and accompanied with the same significant motto. — EDITOR.

SHORT HINTS

TOWARDS A SCHEME FOR UNITING THE NORTHERN COLONIES.

A GOVERNOR-GENERAL.

To be appointed by the king.

To be a military man.

To have a salary from the crown.

To have a negation on all acts of the Grand Council, and carry into execution whatever is agreed on by him and that Council.

GRAND COUNCIL.

One member to be chosen by the Assembly of each of the smaller colonies, and two or more by each of the larger, in proportion to the sums they pay yearly into the general treasury.

MEMBERS' PAY.

—— shillings sterling per diem, during their sitting, and milage for travelling expenses.

PLACE AND TIME OF MEETING.

To meet —— times in every year, at the capital of each colony, in course, unless particular circumstances and emergencies require more frequent meetings, and alteration in the course of places. The governor-general to judge of those circumstances, &c., and call by his writs.

GENERAL TREASURY.

Its fund, an excise on strong liquors, pretty equally drunk in the colonies, or duty on liquor imported, or

—— shillings on each license of a public house, or excise on superfluities, as tea, &c. &c. All which would pay in some proportion to the present wealth of each colony, and increase as that wealth increases, and prevent disputes about the inequality of quotas. To be collected in each colony and lodged in their treasury, to be ready for the payment of orders issuing from the governor-general and grand council jointly.

DUTY AND POWER OF THE GOVERNOR-GENERAL AND GRAND COUNCIL.

To order all Indian treaties. Make all Indian purchases not within proprietary grants. Make and support new settlements, by building forts, raising and paying soldiers to garrison the forts, defend the frontiers, and annoy the enemy. Equip guard-vessels to scour the coasts from privateers in time of war, and protect the trade, and every thing that shall be found necessary for the defence and support of the colonies in general, and increasing and extending their settlements, &c.

For the expense, they may draw on the fund in the treasury of any colony.

MANNER OF FORMING THIS UNION.

The scheme, being first well considered, corrected, and improved by the commissioners at Albany, to be sent home, and an act of Parliament obtained for establishing it.*

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* This paper was communicated to James Alexander, with the following note.

"New York, June 8th, 1754.

"Mr. Alexander is requested to peruse these *Hints*, and make remarks in correcting or improving the scheme, and send the paper with such remarks to Dr. Colden for his sentiments, who is desired to forward the whole to Albany, to their very humble servant,

"B. FRANKLIN."

LETTER FROM JAMES ALEXANDER TO CADWALLADER COLDEN, RESPECTING THE ABOVE HINTS.

New York, [June] 9th, 1754.

DEAR SIR,

I had some conversation with Mr. Franklin and Mr. Peters,* as to the uniting the colonies, and the difficulties thereof, by effecting our liberties on the one hand, or being ineffectual on the other. Whereon Mr. Franklin promised to set down some hints of a scheme that he thought might do, which accordingly he sent to me to be transmitted to you, and it is enclosed.

To me, it seems extremely well digested, and at first sight avoids many difficulties that had occurred to me.

Some difficulties still remain. For example, there cannot be found men tolerably well skilled in warlike affairs to be chosen for the grand council, and there is danger in communicating to them the schemes to be put in execution, for fear of a discovery to the enemy.

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* Mr. Peters was one of the delegates to the Albany Convention from Pennsylvania. The following is a list of all the delegates.

NEW HAMPSHIRE.
Theodore Atkinson,
Richard Wibird,
Meshech Weare,
Henry Sherburne.

MASSACHUSETTS.
Samuel Welles,
John Chandler
Thomas Hutchinson,
Oliver Partridge,
John Worthington.

CONNECTICUT.
William Pitkin,
Roger Wolcott,
Elisha Williams.

RHODE ISLAND.
Stephen Hopkins,
Martin Howard.

NEW-YORK.
James Delancey,
Joseph Murray,
William Johnson,
John Chambers,
William Smith.

PENNSYLVANIA.
John Penn,
Richard Peters,
Isaac Norris,
Benjamin Franklin.

MARYLAND.
Benjamin Tasker,
Abraham Barnes.

Whether this may not be in some measure remedied by a council of state, of a few persons to be chosen by the grand council at their stated meetings, which council of state to be always attending the governor-general, and with him to digest beforehand all matters to be laid before the next grand council, and only the general, but not the particular, plans of operation.

That the governor-general and that council of state issue orders for the payment of moneys, so far as the grand council have beforehand agreed may be issued for any general plan to be executed. That the governor-general and council of state, at every meeting of the grand council, lay before them their accounts and transactions since the last meeting, at least so much of their transactions as is safe to be made public. This council of state to be something like that of the United Provinces, and the grand council to resemble the States-General.

That the capacity and ability of the persons to be chosen of the council of state and grand council be their only qualifications, whether members of the respective bodies that choose them or not. That the grand council, with the governor-general, have power to increase, but not to decrease, the duties laid by act of Parliament, and have power to issue bills of credit on emergencies, to be sunk by the increased funds, bearing a small interest, but not to be tenders. I am, dear Sir,

Your most obedient,
and most humble servant,
JAMES ALEXANDER.

REMARKS ON THE HINTS FOR A SCHEME OF UNION, BY CADWALLADER COLDEN.

GOVERNOR-GENERAL.

It seems agreed on all hands that something is necessary to be done for uniting the colonies in their mutual defence, and it seems to be likewise agreed that it can only be done effectually by act of Parliament. For this reason I suppose that the necessary funds for carrying it into execution, in pursuance of the ends proposed by it, cannot be otherwise obtained. If it were thought, that the Assemblies of the several colonies may agree to lay the same duties, and apply them to the general defence and security of all the colonies, no need of an act of Parliament.

Quære; Which best for the colonies; by Parliament, or by the several Assemblies?

The King's ministers, so long since as the year 1723, or 1724, had thoughts of sending over a governor-general of all the colonies, and the Earl of Stair was proposed as a fit person. It is probable, the want of a suitable support of the dignity of that office prevented that scheme's being carried into execution, and that the ministry and people of England think that this charge ought to be borne by the colonies.

GRAND COUNCIL.

Quære; Is the grand council, with the governor-general, to have a legislative authority? If only an executive power, objections may be made to their being elective. It would be in a great measure a change of the constitution, to which I suspect the crown will not consent. We see the inconveniences attending the present constitution, and remedies may be found

without changing it, but we cannot foresee what may be the consequences of a change in it. If the grand council be elected for a short time, steady measures cannot be pursued. If elected for a long time, and not removable by the crown, they may become dangerous. Are they to have a negative on the acts of the governor-general? It is to be considered that England will keep their colonies, as far as they can, dependent on them; and this view is to be preserved in all schemes to which the King's consent is necessary.

PLACE AND TIME OF MEETING.

It may be thought dangerous to have fixed meetings of the grand council, and in all the colonies at certain times and places. It is a privilege which the Parliament has not, nor the Privy Council, and may be thought destructive of the constitution.

GENERAL TREASURY.

Some estimate ought to be made of the produce which may be reasonably expected from the funds proposed to be raised by duties on liquors, &c., to see whether it will be sufficient for the ends proposed. This I think may be done from the custom-houses in the most considerable places for trade in the colonies.

MANNER OF FORMING THE UNION.

No doubt any private person may, in a proper manner, make any proposals which he thinks for the public benefit; but, if they are to be made by the commissioners of the several colonies, who now meet at Albany, it may be presumed that they speak the sense of their constituents. What authority have they to do this? I know of none from either the Council or Assembly of New York.

However, these things may be properly talked of in

conversation among the commissioners for further information, and in order to induce the several Assemblies to give proper powers to commissioners to meet afterwards for this purpose.*

REASONS AND MOTIVES

ON WHICH THE PLAN OF UNION WAS FORMED.

The commissioners from a number of the northern colonies, being met at Albany, and considering the difficulties that have always attended the most necessary general measures for the common defence, or for the annoyance of the enemy, when they were to be carried through the several particular Assemblies of all the colonies; some Assemblies being before at variance with their governors or councils, and the several branches of the government not on terms of doing business with each other; others taking the opportunity, when their concurrence is wanted, to push for favorite laws, powers, or points, that they think could not at other times be obtained, and so creating disputes and quarrels; one Assembly waiting to see what another will do, being afraid of doing more than its share, or desirous of doing less, or refusing to do any thing, because its country is not at present so much exposed as others, or because another will reap more immediate advantage; from one or other of which causes, the Assemblies of six out of seven colonies applied to,

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* The preceding papers were first printed in the Appendix to Sedgwick's *Life of William Livingston*. The manuscripts, from which they were copied, are contained in the archives of the New York Historical Society. The paper, containing Colden's Remarks, is in his own handwriting. — Editor.

had granted no assistance to Virginia, when lately invaded by the French, though purposely convened, and the importance of the occasion earnestly urged upon them;—considering moreover, that one principal encouragement to the French, in invading and insulting the British American dominions, was their knowledge of our disunited state, and of our weakness arising from such want of union; and that from hence different colonies were, at different times, extremely harassed, and put to great expense both of blood and treasure, who would have remained in peace, if the enemy had had cause to fear the drawing on themselves the resentment and power of the whole;—the said commissioners, considering also the present encroachments of the French, and the mischievous consequences that may be expected from them, if not opposed with our force, came to an unanimous resolution; *That a union of the colonies is absolutely necessary for their preservation.*

The manner of forming and establishing this union was the next point. When it was considered, that the colonies were seldom all in equal danger at the same time, or equally near the danger, or equally sensible of it; that some of them had particular interests to manage, with which a union might interfere; and that they were extremely jealous of each other; it was thought impracticable to obtain a joint agreement of all the colonies to a union, in which the expense and burthen of defending any of them should be divided among them all; and if ever acts of Assembly in all the colonies could be obtained for that purpose, yet as any colony, on the least dissatisfaction, might repeal its own act, and thereby withdraw itself from the union, it would not be a stable one, or such as could be depended on; for if only one colony should, on any disgust, withdraw itself,

others might think it unjust and unequal, that they, by continuing in the union, should be at the expense of defending a colony, which refused to bear its proportionable part, and would therefore one after another withdraw, till the whole crumbled into its original parts. Therefore the commissioners came to another previous resolution, *That it was necessary the Union should be established by act of Parliament.*

They then proceeded to sketch out a *Plan of Union*, which they did in a plain and concise manner, just sufficient to show their sentiments of the kind of union, that would best suit the circumstances of the colonies, be most agreeable to the people, and most effectually promote his Majesty's service, and the general interest of the British empire. This was respectfully sent to the Assemblies of the several colonies for their consideration, and to receive such alterations and improvements as they should think fit and necessary; after which it was proposed to be transmitted to England to be perfected, and the establishment of it there humbly solicited.

This was as much as the commissioners could do.*

REASONS AGAINST PARTIAL UNIONS.

It was proposed by some of the commissioners to form the colonies into two or three distinct unions; but for these reasons that proposal was dropped even by those that made it; viz.

1. In all cases where the strength of the whole was necessary to be used against the enemy, there would be the same difficulty in degree, to bring the several

* Dr. Davenant was so well convinced of the expediency of a union of the colonies, that he recites, at full length, a plan contrived, as he says, with good judgment for the purpose. *Davenant*, Vol. I. pp. 40, 41, of Sir C. Whitworth's edition. — B. V.

unions to unite together, as now the several colonies; and consequently the same delays on our part and advantage to the enemy.

2. Each union would separately be weaker than when joined by the whole, obliged to exert more force, be oppressed by the expense, and the enemy less deterred from attacking it.

3. Where particular colonies have *selfish views*, as New York, with regard to Indian trade and lands; or are less exposed, being covered by others, as New Jersey, Rhode Island, Connecticut, Maryland; or have particular whims and prejudices against warlike measures in general, as Pennsylvania, where the Quakers predominate; such colonies would have more weight in a partial union, and be better able to oppose and obstruct the measures necessary for the general good, than where they are swallowed up in the general union.

4. The Indian trade would be better regulated by the union of the whole than by the partial unions. And, as Canada is chiefly supported by that trade, if it could be drawn into the hands of the English, as it might be if the Indians were supplied on moderate terms, and by honest traders appointed by and acting for the public, that alone would contribute greatly to the weakening of our enemies.

5. The establishing of new colonies westward on the Ohio and the Lakes, a matter of considerable importance to the increase of British trade and power, to the breaking that of the French, and to the protection and security of our present colonies, would best be carried on by a joint union.

6. It was also thought, that by the frequent meetings together of commissioners or representatives from all the colonies, the circumstances of the whole would be better known, and the good of the whole

better provided for; and that the colonies would by this connexion learn to consider themselves, not as so many independent states, but as members of the same body; and thence be more ready to afford assistance and support to each other, and to make diversions in favor even of the most distant, and to join cordially in any expedition for the benefit of all against the common enemy.

These were the principal reasons and motives for forming the Plan of Union as it stands. To which may be added this, that as the union of the—[The remainder of this article was lost.]

PLAN OF UNION

ADOPTED BY THE CONVENTION AT ALBANY; WITH THE REASONS AND MOTIVES FOR EACH ARTICLE OF THE PLAN.*

IT is proposed, that humble application be made for an act of Parliament of Great Britain, by virtue of which one general government may be formed in America, including all the said colonies, within and

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* The several *Articles*, as originally adopted, are printed in Italic type; the reasons and motives in Roman.

It is to be observed, that the union was to extend to the colonies of New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina, (being all the British Colonies at that time in North America, except Georgia and Nova Scotia,) "for their mutual defence and security, and for extending the British settlements in North America." Another plan was proposed in the Convention, which included only New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey. This was printed in the volume of the COLLECTIONS of the Massachusetts Historical Society for 1800. It is a rough draft of the above Plan, with some unimportant variations. It would seem, by the *Hints* communicated to Mr. Alexander, that Franklin himself did not at first contemplate any thing more than a union of the northern colonies. — EDITOR.

under which government each colony may retain its present constitution, except in the particulars wherein a change may be directed by the said act, as hereafter follows.

PRESIDENT-GENERAL AND GRAND COUNCIL.

That the said general government be administered by a President-General, to be appointed and supported by the crown; and a Grand Council, to be chosen by the representatives of the people of the several colonies met in their respective Assemblies.

It was thought that it would be best the president-general should be supported as well as appointed by the crown, that so all disputes between him and the grand council concerning his salary might be prevented; as such disputes have been frequently of mischievous consequence in particular colonies, especially in time of public danger. The quit-rents of crown lands in America might in a short time be sufficient for this purpose. The choice of members for the grand council is placed in the house of representatives of each government, in order to give the people a share in this new general government, as the crown has its share by the appointment of the president-general.

But it being proposed by the gentlemen of the council of New York, and some other counsellors among the commissioners, to alter the plan in this particular, and to give the governors and council of the several provinces a share in the choice of the grand council, or at least a power of approving and confirming, or of disallowing, the choice made by the house of representatives, it was said,

"That the government or constitution, proposed to be formed by the plan, consists of two branches; a president-general appointed by the crown, and a council

chosen by the people, or by the people's representatives, which is the same thing.

"That by a subsequent article, the council chosen by the people can effect nothing without the consent of the president-general appointed by the crown; the crown possesses therefore full one half of the power of this constitution.

"That in the British constitution, the crown is supposed to possess but one third, the lords having their share.

"That this constitution seemed rather more favorable for the crown.

"That it is essential to English liberty, that the subject should not be taxed but by his own consent, or the consent of his elected representatives.

"That taxes to be laid and levied by this proposed constitution will be proposed and agreed to by the representatives of the people, if the plan in this particular be preserved;

"But if the proposed alteration should take place, it seemed as if matters may be so managed, as that the crown shall finally have the appointment, not only of the president-general, but of a majority of the grand council; for seven out of eleven governors and councils are appointed by the crown;

"And so the people in all the colonies would in effect be taxed by their governors.

"It was therefore apprehended, that such alterations of the plan would give great dissatisfaction, and that the colonies could not be easy under such a power in governors, and such an infringement of what they take to be English liberty.

"Besides, the giving a share in the choice of the grand council would not be equal with respect to all the colonies, as their constitutions differ. In some,

both governor and council are appointed by the crown. In others, they are both appointed by the proprietors. In some, the people have a share in the choice of the council; in others, both government and council are wholly chosen by the people. But the house of representatives is everywhere chosen by the people; and, therefore, placing the right of choosing the grand council in the representatives is equal with respect to all.

"That the grand council is intended to represent all the several houses of representatives of the colonies, as a house of representatives doth the several towns or counties of a colony. Could all the people of a colony be consulted and unite in public measures, a house of representatives would be needless, and could all the Assemblies conveniently consult and unite in general measures, the grand council would be unnecessary.

"That a house of commons or the house of representatives, and the grand council, are thus alike in their nature and intention. And, as it would seem improper that the King or House of Lords should have a power of disallowing or appointing members of the House of Commons; so likewise, that a governor and council appointed by the crown should have a power of disallowing or appointing members of the grand council, who, in this constitution, are to be the representatives of the people.

"If the governors and councils therefore were to have a share in the choice of any that are to conduct this general government, it should seem more proper that they choose the president-general. But, this being an office of great trust and importance to the nation, it was thought better to be filled by the immediate appointment of the crown.

"The power proposed to be given by the plan to the grand council is only a concentration of the powers of the several Assemblies in certain points for the general welfare; as the power of the president-general is, of the powers of the several governors in the same points.

"And as the choice therefore of the grand council, by the representatives of the people, neither gives the people any new powers, nor diminishes the power of the crown, it was thought and hoped the crown would not disapprove of it."

Upon the whole, the commissioners were of opinion, that the choice was most properly placed in the representatives of the people.

ELECTION OF MEMBERS.

That within months after the passing such act, the house of representatives, that happen to be sitting within that time, or that shall be especially for that purpose convened, may and shall choose members for the grand council, in the following proportion, that is to say,

Massachusett's Bay,	7
New Hampshire,	2
Connecticut,	5
Rhode Island,	2
New York,	4
New Jersey,	3
Pennsylvania,	6
Maryland,	4
Virginia,	7
North Carolina,	4
South Carolina,	4
	48

It was thought, that if the least colony was allowed two, and the others in proportion, the number would be very great, and the expense heavy; and that less than two would not be convenient, as, a single person being by any accident prevented appearing at the meeting, the colony he ought to appear for would not be represented. That as the choice was not immediately popular, they would be generally men of good abilities for business, and men of reputation for integrity; and that forty-eight such men might be a number sufficient. But, though it was thought reasonable that each colony should have a share in the representative body in some degree according to the proportion it contributed to the general treasury, yet the proportion of wealth or power of the colonies is not to be judged by the proportion here fixed; because it was at first agreed, that the greatest colony should not have more than seven members, nor the least less than two; and the setting these proportions between these two extremes was not nicely attended to, as it would find itself, after the first election, from the sums brought into the treasury, as by a subsequent article.

PLACE OF FIRST MEETING.

—who shall meet for the first time at the city of Philadelphia in Pennsylvania, being called by the President-General as soon as conveniently may be after his appointment.

Philadelphia was named as being nearer the centre of the colonies, where the commissioners would be well and cheaply accommodated. The high roads, through the whole extent, are for the most part very good, in which forty or fifty miles a day may very well be, and frequently are, travelled. Great part of

the way may likewise be gone by water. In summer time, the passages are frequently performed in a week from Charleston to Philadelphia and New York; and from Rhode Island to New York through the Sound, in two or three days; and from New York to Philadelphia, by water and land, in two days, by stage boats and wheel carriages that set out every other day. The journey from Charleston to Philadelphia may likewise be facilitated by boats running up Chesapeake Bay three hundred miles. But if the whole journey be performed on horseback, the most distant members, viz. the two from New Hampshire and from South Carolina may probably render themselves at Philadelphia in fifteen or twenty days; the majority may be there in much less time.

NEW ELECTION.

That there shall be a new election of the members of the Grand Council every three years; and, on the death or resignation of any member, his place should be supplied by a new choice at the next sitting of the Assembly of the colony he represented.

Some colonies have annual assemblies, some continue during a governor's pleasure; three years was thought a reasonable medium, as affording a new member time to improve himself in the business, and to act after such improvement, and yet giving opportunities, frequently enough, to change him, if he has misbehaved.

PROPORTION OF MEMBERS AFTER THE FIRST THREE YEARS.

That after the first three years, when the proportion of money arising out of each colony to the general treasury can be known, the number of members to be chosen for each colony shall from time to time, in

all ensuing elections, be regulated by that proportion, yet so as that the number to be chosen by any one province be not more than seven, nor less than two.

By a subsequent article it is proposed, that the general council shall lay and levy such general duties, as to them may appear most equal and least burthensome, &c. Suppose, for instance, they lay a small duty or excise on some commodity imported into or made in the colonies, and pretty generally and equally used in all of them, as rum perhaps, or wine; the yearly produce of this duty or excise, if fairly collected, would be in some colonies greater, in others less, as the colonies are greater or smaller. When the collector's accounts are brought in, the proportions will appear; and from them it is proposed to regulate the proportion of representatives to be chosen at the next general election, within the limits however of seven and two. These numbers may therefore vary in the course of years, as the colonies may in the growth and increase of people. And thus the quota of tax from each colony would naturally vary with its circumstances, thereby preventing all disputes and dissatisfaction about the just proportions due from each; which might otherwise produce pernicious consequences, and destroy the harmony and good agreement that ought to subsist between the several parts of the Union.

MEETINGS OF THE GRAND COUNCIL, AND CALL.

That the Grand Council shall meet once in every year, and oftener if occasion require, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at by the President-General on any emergency; he having first obtained in writing the consent of seven of the members to such call, and sent due and timely notice to the whole.

It was thought, in establishing and governing new colonies or settlements, regulating Indian trade, Indian treaties, &c., there would be every year sufficient business arise to require at least one meeting, and at such meeting many things might be suggested for the benefit of all the colonies. This annual meeting may either be at a time or place certain, to be fixed by the president-general and grand council at their first meeting; or left at liberty, to be at such time and place as they shall adjourn to, or be called to meet at by the president-general.

In time of war it seems convenient, that the meeting should be in that colony, which is nearest the seat of action.

The power of calling them on any emergency seemed necessary to be vested in the president-general; but, that such power might not be wantonly used to harass the members, and oblige them to make frequent long journeys to little purpose, the consent of seven at least to such call was supposed a convenient guard.

CONTINUANCE.

That the Grand Council have power to choose their speaker; and shall neither be dissolved, prorogued, nor continued sitting longer than six weeks at one time, without their own consent or the special command of the crown.

The speaker should be presented for approbation; it being convenient, to prevent misunderstandings and disgusts, that the mouth of the council should be a person agreeable, if possible, both to the council and president-general.

Governors have sometimes wantonly exercised the power of proroguing or continuing the sessions of assemblies, merely to harass the members and compel a

compliance; and sometimes dissolve them on slight disgusts. This it was feared might be done by the president-general, if not provided against; and the inconvenience and hardship would be greater in the general government than in particular colonies, in proportion to the distance the members must be from home during sittings, and the long journeys some of them must necessarily take.

MEMBERS' ALLOWANCE.

That the members of the Grand Council shall be allowed for their service ten shillings sterling per diem, during their session and journey to and from the place of meeting; twenty miles to be reckoned a day's journey.

It was thought proper to allow *some* wages, lest the expense might deter some suitable persons from the service; and not to allow *too great* wages, lest unsuitable persons should be tempted to cabal for the employment, for the sake of gain. Twenty miles were set down as a day's journey, to allow for accidental hindrances on the road, and the greater expenses of travelling than residing at the place of meeting.

ASSENT OF PRESIDENT-GENERAL AND HIS DUTY.

That the assent of the President-General be requisite to all acts of the Grand Council, and that it be his office and duty to cause them to be carried into execution.

The assent of the president-general to all acts of the grand council was made necessary, in order to give the crown its due share of influence in this government, and connect it with that of Great Britain. The president-general, besides one half of the legislative power, hath in his hands the whole executive power.

POWER OF PRESIDENT-GENERAL AND GRAND COUNCIL; TREATIES OF PEACE AND WAR.

That the President-General, with the advice of the Grand Council, hold or direct all Indian treaties, in which the general interest of the colonies may be concerned; and make peace or declare war with Indian nations.

The power of making peace or war with Indian nations is at present supposed to be in every colony, and is expressly granted to some by charter, so that no new power is hereby intended to be granted to the colonies. But as, in consequence of this power, one colony might make peace with a nation that another was justly engaged in war with; or make war on slight occasions without the concurrence or approbation of neighbouring colonies, greatly endangered by it; or make particular treaties of neutrality in case of a general war, to their own private advantage in trade, by supplying the common enemy; of all which there have been instances; it was thought better, to have all treaties of a general nature under a general direction, that so the good of the whole may be consulted and provided for.

INDIAN TRADE.

That they make such laws as they judge necessary for regulating all Indian trade.

Many quarrels and wars have arisen between the colonies and Indian nations, through the bad conduct of traders who cheat the Indians after making them drunk, &c., to the great expense of the colonies, both in blood and treasure. Particular colonies are so interested in the trade, as not to be willing to admit such a regulation as might be best for the whole; and therefore it was thought best under a general direction.

INDIAN PURCHASES.

That they make all purchases, from Indians for the crown, of lands not now within the bounds of particular colonies, or that shall not be within their bounds when some of them are reduced to more convenient dimensions.

Purchases from the Indians, made by private persons, have been attended with many inconveniences. They have frequently interfered, and occasioned uncertainty of titles, many disputes and expensive lawsuits, and hindered the settlement of the land so disputed. Then the Indians have been cheated by such private purchases, and discontent and wars have been the consequence. These would be prevented by public fair purchases.

Several of the colony charters in America extend their bounds to the South Sea, which may be perhaps three or four thousand miles in length to one or two hundred miles in breadth. It is supposed they must in time be reduced to dimensions more convenient for the common purposes of government.

Very little of the land in those grants is yet purchased of the Indians.

It is much cheaper to purchase of them, than to take and maintain the possession by force; for they are generally very reasonable in their demands for land; and the expense of guarding a large frontier against their incursions is vastly great; because all must be guarded, and always guarded, as we know not where or when *to expect them.**

* To guard against the incursions of the Indians, a plan was sent over to America, (and, as I think, by authority,) suggesting the expediency of clearing away the woods and bushes from a tract of land, a mile in breadth, and extending along the back of the colonies. Unfortunately, besides the large expense of the undertaking (which, if one acre cost £2 sterling, and six hundred and forty acres make a square

NEW SETTLEMENTS.

That they make new settlements on such purchases, by granting lands in the King's name, reserving a quit-rent to the crown for the use of the general treasury.

It is supposed better that there should be one purchaser than many; and that the crown should be that purchaser, or the Union in the name of the crown. By this means the bargains may be more easily made, the price not enhanced by numerous bidders, future disputes about private Indian purchases, and monopolies of vast tracts to particular persons (which are prejudicial to the settlement and peopling of the country), prevented; and, the land being again granted in small tracts to the settlers, the quit-rents reserved may in time become a fund for support of government, for defence of the country, ease of taxes, &c.

Strong forts on the Lakes, the Ohio, &c., may, at the same time they secure our present frontiers, serve to defend new colonies settled under their protection; and such colonies would also mutually defend and support such forts, and better secure the friendship of the far Indians.

A particular colony has scarce strength enough to extend itself by new settlements, at so great a distance from the old; but the joint force of the Union might suddenly establish a new colony or two in those parts, or extend an old colony to particular passes,

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mile, is £128,000 *first cost* for every hundred miles), it was forgotten, that the Indians, like other people, knew the difference between day and night, and that a mile of advance and another of retreat were nothing to the celerity of such an enemy. This plan, it is said, was the work of Dean Tucker. — B. V.

If the absurdity of such a scheme is not in itself sufficiently glaring, it may be added, that bushes would soon start up and grow into trees again, and the expense of clearing must be often repeated. — EDITOR.

greatly to the security of our present frontiers, increase of trade and people, breaking off the French communication between Canada and Louisiana, and speedy settlement of the intermediate lands.

The power of settling new colonies is therefore thought a valuable part of the plan, and what cannot so well be executed by two unions as by one.

LAWS TO GOVERN THEM.

That they make laws for regulating and governing such new settlements, till the crown shall think fit to form them into particular governments.

The making of laws suitable for the new colonies, it was thought, would be properly vested in the president-general and grand council; under whose protection they must at first necessarily be, and who would be well acquainted with their circumstances, as having settled them. When they are become sufficiently populous, they may by the crown be formed into complete and distinct governments.

The appointment of a sub-president by the crown, to take place in case of the death or absence of the president-general, would perhaps be an improvement of the plan; and if all the governors of particular provinces were to be formed into a standing council of state, for the advice and assistance of the president-general, it might be another considerable improvement.

RAISE SOLDIERS, AND EQUIP VESSELS, &C.

That they raise and pay soldiers and build forts for the defence of any of the colonies, and equip vessels of force to guard the coasts and protect the trade on the ocean, lakes, or great rivers; but they shall not impress men in any colony, without the consent of the legislature.

It was thought, that quotas of men, to be raised and

paid by the several colonies, and joined for any public service, could not always be got together with the necessary expedition. For instance, suppose one thousand men should be wanted in New Hampshire on any emergency. To fetch them by fifties and hundreds out of every colony, as far as South Carolina, would be inconvenient, the transportation chargeable, and the occasion perhaps passed before they could be assembled; and therefore that it would be best to raise them (by offering bounty-money and pay) near the place where they would be wanted, to be discharged again when the service should be over.

Particular colonies are at present backward to build forts at their own expense, which they say will be equally useful to their neighbouring colonies; who refuse to join, on a presumption that such forts *will* be built and kept up, though they contribute nothing. This unjust conduct weakens the whole; but, the forts being for the good of the whole, it was thought best they should be built and maintained by the whole, out of the common treasury.

In the time of war, small vessels of force are sometimes necessary in the colonies to scour the coasts of small privateers. These being provided by the Union will be an advantage in turn to the colonies which are situated on the sea, and whose frontiers on the land-side, being covered by other colonies, reap but little immediate benefit from the advanced forts.

POWER TO MAKE LAWS, LAY DUTIES, &c.

That for these purposes they have power to make laws, and lay and levy such general duties, imposts, or taxes, as to them shall appear most equal and just (considering the ability and other circumstances of the inhabitants in the several colonies), and such as may be collected with the least inconvenience to the people;

rather discouraging luxury, than loading industry with unnecessary burthens.

The laws which the president-general and grand council are empowered to make *are such only* as shall be necessary for the government of the settlements; the raising, regulating, and paying soldiers for the general service; the regulating of Indian trade; and laying and collecting the general duties and taxes. They should also have a power to restrain the exportation of provisions to the enemy from any of the colonies, on particular occasions, in time of war. But it is not intended, that they may interfere with the constitution and government of the particular colonies; who are to be left to their own laws, and to lay, levy, and apply their own taxes as before.

GENERAL TREASURER AND PARTICULAR TREASURER.

That they may appoint a General Treasurer and Particular Treasurer in each government, when necessary; and from time to time may order the sums in the treasuries of each government into the general treasury; or draw on them for special payments, as they find most convenient.

The treasurers here meant are only for the general funds, and not for the particular funds of each colony, which remain in the hands of their own treasurers at their own disposal.

MONEY, HOW TO ISSUE.

Yet no money to issue but by joint orders of the President-General and Grand Council; except where sums have been appropriated to particular purposes, and the President-General is previously empowered by an act to draw such sums.

To prevent misapplication of the money, or even application that might be dissatisfactory to the crown

or the people, it was thought necessary, to join the president-general and grand council in all issues of money.

ACCOUNTS.

That the general accounts shall be yearly settled and reported to the several Assemblies.

By communicating the accounts yearly to each Assembly, they will be satisfied of the prudent and honest conduct of their representatives in the grand council.

QUORUM.

That a quorum of the Grand Council, empowered to act with the President-General, do consist of twenty-five members; among whom there shall be one or more from a majority of the colonies.

The quorum seems large, but it was thought it would not be satisfactory to the colonies in general, to have matters of importance to the whole transacted by a smaller number, or even by this number of twenty-five, unless there were among them one at least from a majority of the colonies; because otherwise, the whole quorum being made up of members from three or four colonies at one end of the union, something might be done that would not be equal with respect to the rest, and thence dissatisfaction and discords might rise to the prejudice of the whole.

LAWS TO BE TRANSMITTED.

That the laws made by them for the purposes aforesaid shall not be repugnant, but, as near as may be, agreeable to the laws of England, and shall be transmitted to the King in Council for approbation, as soon as may be after their passing; and if not disapproved within three years after presentation, to remain in force.

This was thought necessary for the satisfaction of the crown, to preserve the connexion of the parts of

the British empire with the whole, of the members with the head, and to induce greater care and circumspection in making of the laws, that they be good in themselves and for the general benefit.

DEATH OF THE PRESIDENT-GENERAL.

That, in case of the death of the President-General, the Speaker of the Grand Council for the time being shall succeed, and be vested with the same powers and authorities, to continue till the King's pleasure be known.

It might be better, perhaps, as was said before, if the crown appointed a vice-president, to take place on the death or absence of the president-general; for so we should be more sure of a suitable person at the head of the colonies. On the death or absence of both, the speaker to take place (or rather the eldest King's governor) till his Majesty's pleasure be known.

OFFICERS, HOW APPOINTED.

That all military commission officers, whether for land or sea service, to act under this general constitution, shall be nominated by the President-General; but the approbation of the Grand Council is to be obtained, before they receive their commissions. And all civil officers are to be nominated by the Grand Council, and to receive the President-General's approbation before they officiate.

It was thought it might be very prejudicial to the service, to have officers appointed unknown to the people, or unacceptable, the generality of Americans serving willingly under officers they know; and not caring to engage in the service under strangers, or such as are often appointed by governors through favor or interest. The service here meant, is not the stated, settled service in standing troops; but any sudden

and short service, either for defence of our colonies, or invading the enemy's country; (such as the expedition to Cape Breton in the last war; in which many substantial farmers and tradesmen engaged as common soldiers, under officers of their own country, for whom they had an esteem and affection; who would not have engaged in a standing army, or under officers from England.) It was therefore thought best to give the council the power of approving the officers, which the people will look upon as a great security of their being good men. And without some such provision as this, it was thought the expense of engaging men in the service on any emergency would be much greater, and the number who could be induced to engage much less; and that therefore it would be most for the King's service and general benefit of the nation, that the prerogative should relax a little in this particular throughout all the colonies in America; as it had already done much more in the charters of some particular colonies, viz. Connecticut and Rhode Island.

The civil officers will be chiefly treasurers and collectors of taxes; and the suitable persons are most likely to be known by the council.

VACANCIES, HOW SUPPLIED.

But, in case of vacancy by death or removal of any officer civil or military under this constitution, the Governor of the province in which such vacancy happens may appoint, till the pleasure of the President-General and Grand Council can be known.

The vacancies were thought best supplied by the governors in each province, till a new appointment can be regularly made; otherwise the service might suffer before the meeting of the president-general and grand council.

EACH COLONY MAY DEFEND ITSELF ON EMERGENCY, &c.

That the particular military as well as civil establishments in each colony remain in their present state, the general constitution notwithstanding; and that on sudden emergencies any colony may defend itself, and lay the accounts of expense thence arising before the President-General and General Council, who may allow and order payment of the same, as far as they judge such accounts just and reasonable.

Otherwise the union of the whole would weaken the parts, contrary to the design of the union. The accounts are to be judged of by the president-general and grand council, and allowed if found reasonable. This was thought necessary to encourage colonies to defend themselves, as the expense would be light when borne by the whole; and also to check imprudent and lavish expense in such defences.

THREE LETTERS TO GOVERNOR SHIRLEY.

It is stated by Mr. Vaughan, that these letters first appeared in the *London Chronicle* for February 6th and 8th, 1766, with prefatory remarks signed "A Lover of Britain."

"The Albany Plan of Union," says this writer, "was sent to the government here for approbation. Had it been approved and established by the authority from hence, English America thought itself sufficiently able to cope with the French, without other assistance; several of the colonies having alone, in former wars, withstood the whole power of the enemy, unassisted not only by the mother country, but by any of the neighbouring provinces. The plan, however, was not approved here; but a *new one* was formed instead of it; by which it was proposed, that 'the governors of all the colonies, attended by one or two members of their respective councils, should assemble, and concert measures for the defence of the whole, erect forts where they judged proper, and raise what troops they thought necessary, with power to draw on the treasury here for the sums that should be wanted, and the treasury to be reimbursed by a *tax laid on the colonies by act of Parliament.*' — This *new plan*, being communicated by Governor Shirley to a gentleman of Philadelphia (Dr. Franklin) then in Boston (who has very eminently distinguished himself, before and since that time, in the literary world, and whose judgment, penetration, and candor, as well as his readiness and ability to suggest, forward, or carry into execution, every scheme of public utility, hath most deservedly endeared him, not only to our fellow-subjects throughout the continent of North America, but to his numberless friends on this side the Atlantic), occasioned the following remarks from him, which perhaps may contribute in some degree to its being laid aside. As they very particularly show the then sentiments of the Americans on the subject of a parliamentary tax, before the French power in that country was subjected, and before the late restraints on their commerce; they satisfy me, and I hope they will convince your readers, contrary to what has been advanced by some of your correspondents, that those particulars have had no share in producing the present opposition to such a tax, nor in disturbances occasioned by it, which these papers indeed do almost prophetically foretell."

In the beginning of the year 1776, these letters were republished in *Almon's Remembrancer*, preceded by a long introductory article, in which it is said, "that the great importance of the subject, the arguments of the letters, the wisdom of the writer, the correspondence of facts with his conjectures, and the early time at which they appeared," were the inducements for then bringing them to the notice of the government. It is true, indeed, that the principles of colonial taxation, so much insisted on eleven years afterwards in the affair of the Stamp Act, are most clearly and ably stated in these letters, as also the reasons for a colonial representation in Parliament. They afford convincing proof, that, even at so early a day, the author had thought profoundly on the political condition of his country, and the relations in which it stood to the government of Great Britain; and that he had examined with an almost prophetic sagacity the habits, wants, temper, and other characteristics of the people. Governor Hutchinson, says; "This correspondence was carried on with great privacy." Although he does not approve the sentiments advanced in the Letters, yet he allows they are "very ingenious." What impression they made on Governor Shirley, is not known; but he was so strong an advocate for the prerogative of the King and the power of Parliament, that it cannot be supposed his mind was in a state to be easily influenced by arguments of a contrary tendency. It is probable, however, that he was not particularly hostile to the *Albany Plan*, for he was looked upon by many persons, if that plan should go into operation, as the most prominent candidate for the high post of President-General. He soon discovered that the Massachusetts legislature was not inclined to favor the plan, and he kept aloof from all public measures in regard to it. — EDITOR.

LETTER I.

CONCERNING THE VOICE OF THE PEOPLE IN CHOOSING THE RULERS BY WHOM TAXES ARE IMPOSED.

Tuesday Morning, (December 17th, 1754.)

SIR,

I return you the loose sheets of the plan, with thanks to your Excellency for communicating them.

I apprehend, that excluding the people of the colo-

nies from all share in the choice of the grand council will give extreme dissatisfaction; as well as the taxing them by act of Parliament, where they have no representation. It is very possible, that this general government might be as well and faithfully administered without the people, as with them; but where heavy burthens are to be laid upon them, it has been found useful to make it as much as possible their own act; for they bear better, when they have, or think they have, some share in the direction; and when any public measures are generally grievous, or even distasteful, to the people, the wheels of government move more heavily.

LETTER II.

ON THE IMPOSITION OF DIRECT TAXES UPON THE COLONIES WITHOUT THEIR CONSENT.

Wednesday Morning, (December 18th, 1754.)

SIR,

I mentioned it yesterday to your Excellency as my opinion, that excluding the people of the colonies from all share in the choice of the grand council would probably give extreme dissatisfaction, as well as the taxing them by act of Parliament, where they have no representation. In matters of general concern to the people, and especially where burthens are to be laid upon them, it is of use to consider, as well what they will be apt to think and say, as what they ought to think. I shall therefore, as your Excellency requires it of me, briefly mention what of either kind occurs to me on this occasion.

First, they will say, and perhaps with justice, that the body of the people in the colonies are as loyal,

and as firmly attached to the present constitution and reigning family, as any subjects in the King's dominions.

That there is no reason to doubt the readiness and willingness of the representatives they may choose to grant from time to time such supplies for the defence of the country, as shall be judged necessary, so far as their abilities will allow.

That the people in the colonies, who are to feel the immediate mischiefs of invasion and conquest by an enemy, in the loss of their estates, lives, and liberties, are likely to be better judges of the quantity of forces necessary to be raised and maintained, forts to be built and supported, and of their own abilities to bear the expense, than the Parliament of England, at so great a distance.

That governors often come to the colonies merely to make fortunes, with which they intend to return to Britain; are not always men of the best abilities or integrity; have many of them no estates here, nor any natural connexion with us, that should make them heartily concerned for our welfare; and might possibly be fond of raising and keeping up more forces than necessary, from the profits accruing to themselves, and to make provision for their friends and dependents.

That the counsellors in most of the colonies being appointed by the crown, on the recommendation of governors, are often persons of small estates, frequently dependent on the governors for offices, and therefore too much under influence.

That there is therefore great reason to be jealous of a power in such governors and councils to raise such sums, as they shall judge necessary, by drafts on the Lords of the Treasury, to be afterwards laid

on the colonies by act of Parliament, and paid by the people here; since they might abuse it, by projecting useless expeditions, harassing the people, and taking them from their labor to execute such projects, merely to create offices and employments, and gratify their dependents, and divide profits.

That the Parliament of England is at a great distance, subject to be misinformed and misled by such governors and councils, whose united interests might probably secure them against the effect of any complaint from hence.

That it is supposed an undoubted right of Englishmen not to be taxed but by their own consent, given through their representatives.

That the colonies have no representatives in Parliament.

That to propose taxing them by Parliament, and refuse them the liberty of choosing a representative council to meet in the colonies, and consider and judge of the necessity of any general tax and the quantum, shows a suspicion of their loyalty to the crown, or of their regard for their country, or of their common sense and understanding, which they have not deserved.

That compelling the colonies to pay money without their consent, would be rather like raising contributions in an enemy's country, than taxing of Englishmen for their own public benefit.

That it would be treating them as a conquered people, and not as true British subjects.

That a tax laid by the representatives of the colonies might be easily lessened as the occasions should lessen; but, being once laid by Parliament under the influence of the representations made by governors, would probably be kept up and continued for the

benefit of governors, to the grievous burthen and discontent of the colonies, and prevention of their growth and increase.

That a power in governors to march the inhabitants from one end of the British and French colonies to the other, being a country of at least one thousand five hundred miles long, without the approbation or the consent of their representatives first obtained to such expeditions, might be grievous and ruinous to the people, and would put them upon a footing with the subjects of France in Canada, that now groan under such oppression from their governor, who for two years past has harassed them with long and destructive marches to Ohio.

That if the colonies in a body may be well governed by governors and councils appointed by the crown, without representatives, particular colonies may as well or better be so governed; a tax may be laid upon them all by act of Parliament for support of government, and their Assemblies may be dismissed as an useless part of the constitution.

That the powers, proposed by the Albany Plan of Union to be vested in a grand council representative of the people, even with regard to military matters, are not so great as those which the colonies of Rhode Island and Connecticut are intrusted with by their charters, and have never abused; for, by this plan, the president-general is appointed by the crown, and controls all by his negative; but in those governments, the people choose the governor, and yet allow him no negative.

That the British colonies bordering on the French are properly frontiers of the British empire; and the frontiers of an empire are properly defended at the joint expense of the body of the people in such

empire. It would now be thought hard by act of Parliament to oblige the Cinque Ports or seacoasts of Britain to maintain the whole navy, because they are more immediately defended by it, not allowing them at the same time a vote in choosing members of the Parliament; and, as the frontiers of America bear the expense of their own defence, it seems hard to allow them no share in voting the money, judging of the necessity and sum, or advising the measures.

That, besides the taxes necessary for the defence of the frontiers, the colonies pay yearly great sums to the mother country unnoticed; for

1. Taxes paid in Britain by the landholder or artificer must enter into and increase the price of the produce of land and manufactures made of it; and great part of this is paid by consumers in the colonies, who thereby pay a considerable part of the British taxes.

2. We are restrained in our trade with foreign nations; and where we could be supplied with any manufacture cheaper from them, but must buy the same dearer from Britain, the difference of price is a clear tax to Britain.

3. We are obliged to carry a great part of our produce directly to Britain; and where the duties laid upon it lessen its price to the planter, or it sells for less than it would in foreign markets, the difference is a tax paid to Britain.

4. Some manufactures we could make, but are forbidden, and must take them of British merchants; the whole price is a tax paid to Britain.

5. By our greatly increasing the demand and consumption of British manufactures, their price is considerably raised of late years; the advantage is clear profit to Britain, and enables its people better to pay

great taxes; and much of it, being paid by us, is clear tax to Britain.

6. In short, as we are not suffered to regulate our trade, and restrain the importation and consumption of British superfluities, as Britain can the consumption of foreign superfluities, our whole wealth centres finally amongst the merchants and inhabitants of Britain; and if we make them richer, and enable them better to pay their taxes, it is nearly the same as being taxed ourselves, and equally beneficial to the crown.

These kinds of secondary taxes, however, we do not complain of, though we have no share in the laying or disposing of them; but to pay immediate heavy taxes, in the laying, appropriation, and disposition of which we have no part, and which perhaps we may know to be as unnecessary as grievous, must seem hard measures to Englishmen, who cannot conceive, that, by hazarding their lives and fortunes in subduing and settling new countries, extending the dominion, and increasing the commerce of the mother nation, they have forfeited the native rights of Britons; which they think ought rather to be given to them, as due to such merit, if they had been before in a state of slavery.

These, and such kinds of things as these, I apprehend, will be thought and said by the people, if the proposed alteration of the Albany plan should take place. Then the administration of the board of governors and council so appointed, not having the representative body of the people to approve and unite in its measures, and conciliate the minds of the people to them, will probably become suspected and odious; dangerous animosities and feuds will arise between the governors and governed; and every thing go into confusion.

Perhaps I am too apprehensive in this matter; but, having freely given my opinion and reasons, your Excellency can judge better than I, whether there be any weight in them; and the shortness of the time allowed me, will, I hope in some degree excuse the imperfections of this scrawl.

With the greatest respect and fidelity, I have the honor to be

Your Excellency's most obedient,
and most humble servant,
B. FRANKLIN.*

LETTER III.

ON THE SUBJECT OF UNITING THE COLONIES MORE INTIMATELY WITH GREAT BRITAIN, BY ALLOWING THEM REPRESENTATIVES IN PARLIAMENT.

Boston, December 22d, 1754.

SIR,

Since the conversation your Excellency was pleased to honor me with, on the subject of *uniting the colonies* more intimately with Great Britain, by allowing them *representatives in Parliament*, I have something further considered that matter, and am of opinion, that such a union would be very acceptable to the

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* Respecting this letter, Mr. John Adams said (in his *History of the Dispute with America*, first published in 1774); "Dr. Franklin, who was known to be an active and very able man, and to have great influence in the province of Pennsylvania, was in Boston in the year 1754, and Mr. Shirley communicated to him the profound secret, the great design of taxing the colonies by act of Parliament. This sagacious gentleman and distinguished patriot, to his lasting honor, sent the governor an answer in writing, with the following remarks on his scheme." Mr. Adams then quotes the principal parts of the above letter. — EDITOR.

colonies, provided they had a reasonable number of representatives allowed them; and that all the old acts of Parliament restraining the trade or cramping the manufactures of the colonies be at the same time repealed, and the British subjects *on this side the water* put, in those respects, on the same footing with those in Great Britain, till the new Parliament, representing the whole, shall think it for the interest of the whole to reënact some or all of them. It is not that I imagine so many representatives will be allowed the colonies, as to have any great weight by their numbers; but I think there might be sufficient to occasion those laws to be better and more impartially considered, and perhaps to overcome the interest of a petty corporation, or of any particular set of artificers or traders in England, who heretofore seem, in some instances, to have been more regarded than all the colonies, or than was consistent with the general interest, or best national good. I think too, that the government of the colonies by a Parliament, in which they are fairly represented, would be vastly more agreeable to the people, than the method lately attempted to be introduced by royal instruction, as well as more agreeable to the nature of an English constitution, and to English liberty; and that such laws as now seem to bear hard on the colonies, would (when judged by such a Parliament for the best interest of the whole) be more cheerfully submitted to, and more easily executed.

I should hope too, that by such a union, the people of Great Britain, and the people of the colonies, would learn to consider themselves, as not belonging to different communities with different interests, but to one community with one interest; which I imagine

would contribute to strengthen the whole, and greatly lessen the danger of future separations.

It is, I suppose, agreed to be the general interest of any state, that its people be numerous and rich; men enow to fight in its defence, and enow to pay sufficient taxes to defray the charge; for these circumstances tend to the security of the state, and its protection from foreign power. But it seems not of so much importance, whether the fighting be done by John or Thomas, or the tax paid by William or Charles. The iron manufacture employs and enriches British subjects, but is it of any importance to the state, whether the manufacturer lives at Birmingham, or Sheffield, or both; since they are still within its bounds, and their wealth and persons still at its command? Could the Goodwin Sands be laid dry by banks, and land equal to a large country thereby gained to England, and presently filled with English inhabitants, would it be right to deprive such inhabitants of the common privileges enjoyed by other Englishmen, the right of vending their produce in the same ports, or of making their own shoes, because a merchant or a shoemaker, living on the old land, might fancy it more for his advantage to trade or make shoes for them? Would this be right, even if the land were gained at the expense of the state? And would it not seem less right, if the charge and labor of gaining the additional territory to Britain had been borne by the settlers themselves? And would not the hardship appear yet greater, if the people of the new country should be allowed no representatives in the Parliament enacting such impositions?

Now I look on the colonies as so many countries gained to Great Britain, and more advantageous to it, than if they had been gained out of the seas around

its coasts, and joined to its lands; for, being in different climates, they afford greater variety of produce, and materials for more manufactures; and, being separated by the ocean, they increase much more its shipping and seamen; and, since they are all included in the British empire, which has only extended itself by their means, and the strength and wealth of the parts are the strength and wealth of the whole, what imports it to the general state, whether a merchant, a smith, or a hatter, grows rich in Old or New England?* And if, through increase of the people, two

* In commenting on this passage, Governor Hutchinson says; "It will be difficult, if this principle be admitted, to justify the revolt of the colonies, in which Mr. Franklin was very instrumental. He departed from his principles, and declared, fifteen years after the date of those letters, that he was of opinion Britain and the colonies were under separate legislatures, and stood related as England and Scotland stood before the union."—*History of Massachusetts*, Vol. III. p. 24. Hutchinson alludes here to a letter from Franklin to Dr. Cooper, written in London, June 8th, 1770, in which he says; "That the colonies originally were constituted distinct States, and intended to be continued such, is clear to me from a thorough consideration of their original charters, and the whole conduct of the crown and nation towards them until the restoration. Since that period the Parliament here has usurped an authority of making laws for them, which before it had not. We have for some time submitted to that usurpation, partly through ignorance and inattention, and partly from our weakness and inability to contend.—The several States have equal rights and liberties, and are only connected as England and Scotland were before the union, by having one common sovereign, the King."

In the first place it is possible, that Franklin, in the course of fifteen years' research and study, may have discovered good reasons for changing his opinion as to the just powers of Parliament, and this he might have done without any reproach upon his patriotism or his principles. But in reality there is no discordance between the sentiments contained in the text, and those in the extract from the letter to Dr. Cooper. In the former case he speaks of the colonies as belonging to the "British empire," but he does not say that the authority of Parliament extends with equal force to every part of this empire. On the contrary, what he says respecting Parliament is founded on the supposition, that the colonies should be represented in it. When such a representation should exist, the people would of course be subject to

smiths are wanted for one employed before, why may not the *new* smith be allowed to live and thrive in the *new* country, as well as the *old* one in the *old*? In fine, why should the countenance of a state be *partially* afforded to its people, unless it be most in favor of those who have most merit? And if there be any difference, those who have most contributed to enlarge Britain's empire and commerce, increase her strength, her wealth, and the numbers of her people, at the risk of their own lives and private fortunes in new and strange countries, methinks ought rather to expect some preference. With the greatest respect and esteem, I have the honor to be

Your Excellency's most obedient
and humble servant,

B. FRANKLIN.

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the Parliament to which they had sent representatives. And this is all that can be strictly inferred from the above letter to Governor Shirley. Although from the fact, that in the Albany Convention it was decided that a union of the colonies could not be formed without an act of Parliament, it is perhaps probable that Franklin was then of the same sentiment, and afterwards upon further inquiry changed his opinion.

In reply to the first part of Governor Hutchinson's comment, it needs only be said, that the colonies revolted in consequence of what they deemed the legislative and practical usurpation and oppression of the government in England, and not because they considered themselves a separate part of the empire; nor did the merits of the controversy rest upon this point. — EDITOR.

PLAN

FOR SETTLING TWO WESTERN COLONIES IN NORTH AMERICA, WITH REASONS FOR THE PLAN.

Dr. Franklin was early possessed of the belief, that great advantage would redound to the English Colonies on the sea-board by settlements beyond the Alleganies under governments distinctly organized. Such settlements would not only rapidly increase in population, thereby strengthening the power of the whole, but would serve as a barrier to the other colonies against the Indians and French, who, in time of war, made descents upon the frontiers, kept the people in alarm, and caused great expense in raising troops and supporting an army to repel their invasions. He pursued this favorite object for many years; and after he went to England a company was formed, under his auspices, who petitioned for a grant to settle a colony west of the Allegany mountains. Many obstacles were encountered, but the application was at last successful. The scheme was prevented from being carried into effect by the troubles immediately preceding the revolution.

The following paper was probably written shortly after the Albany Convention, in 1754, at the request of Governor Pownall, who had a project for settling what he called "barrier colonies." He presented a memorial to the Duke of Cumberland on this subject in the year 1756, in which he says;

"If the English would advance one step further, or cover themselves where they are, it must be at once, by one large step over the mountains, with a numerous and military colony. Where such should be settled, I do not take upon me to say; at present I shall only point out the measure and the nature of it, by inserting two schemes, one of Dr. Franklin's, the other of your memorialist; and if I might indulge myself with scheming, I should imagine that two such were sufficient, and only requisite and proper; one at the back of Virginia, filling up the vacant space between the Five Nations and southern confederacy, and connect-

ing into one system our barrier; the other somewhere in the Cohass on Connecticut river, or wherever best adapted to cover the New England colonies. These, with the little settlements mentioned above in the Indian countries, complete my idea of this branch." — *Administration of the Colonies*, 4th ed., Append. p. 48.

When this memorial, with Franklin's plan, was presented, the whole country was too much involved in the war with the French and Indians, to allow any scheme of this sort to be matured; the peace followed, when the occasion for them was less pressing; and the revolution opened the way to other methods of attaining the same object. — EDITOR.

THE great country back of the Appalachian Mountains, on both sides of the Ohio, and between that river and the Lakes is now well known, both to the English and French, to be one of the finest in North America, for the extreme richness and fertility of the land; the healthy temperature of the air, and mildness of the climate; the plenty of hunting, fishing, and fowling; the facility of trade with the Indians; and the vast convenience of inland navigation or water-carriage by the Lakes and great rivers, many hundreds of leagues around.

From these natural advantages it must undoubtedly (perhaps in less than another century) become a populous and powerful dominion;* and a great accession of power either to England or France.

The French are now making open encroachments on these territories, in defiance of our known rights; and, if we longer delay to settle that country, and suffer them to possess it, these *inconveniences and mischiefs* will probably follow;

1. Our people, being confined to the country be-

* This prediction has been verified in a much less time than even the author anticipated. — EDITOR.

tween the sea and the mountains, cannot much more increase in number; people increasing in proportion to their room and means of subsistence. (See *Observations on the Increase of Mankind, &c.*, Vol. II. p. 311.)

2. The French will increase much more, by that acquired room and plenty of subsistence, and become a great people behind us.

3. Many of our debtors and loose English people, our German servants, and slaves, will probably desert to them, and increase their numbers and strength, to the lessening and weakening of ours.

4. They will cut us off from all commerce and alliance with the western Indians, to the great prejudice of Britain, by preventing the sale and consumption of its manufactures.

5. They will both in time of peace and war (as they have always done against New England) set the Indians on to harass our frontiers, kill and scalp our people, and drive in the advanced settlers; and so, in preventing our obtaining more subsistence by cultivating of new lands, they discourage our marriages, and keep our people from increasing; thus (if the expression may be allowed) killing thousands of our children before they are born.

If two strong colonies of English were settled between the Ohio and Lake Erie, in the places hereafter to be mentioned, these advantages might be expected;

1. They would be a great security to the frontiers of our other colonies, by preventing the incursions of the French and French Indians of Canada, on the back parts of Pennsylvania, Maryland, Virginia, and the Carolinas; and the frontiers of such new colonies would be much more easily defended, than those of

the colonies last mentioned now can be, as will appear hereafter.

2. The dreaded junction of the French settlements in Canada with those of Louisiana would be prevented.

3. In case of a war, it would be easy, from those new colonies, to annoy Louisiana, by going down the Ohio and Mississippi; and the southern part of Canada, by sailing over the Lakes, and thereby confine the French within narrow limits.

4. We could secure the friendship and trade of the Miamis or Twigtwees (a numerous people consisting of many tribes, inhabiting the country between the west end of Lake Erie, and the south end of Lake Huron, and the Ohio), who are at present dissatisfied with the French, and fond of the English, and would gladly encourage and protect an infant English settlement in or near their country, as some of their chiefs have declared to the writer of this memoir. Further, by means of the Lakes, the Ohio, and the Mississippi, our trade might be extended through a vast country, among many numerous and distant nations, greatly to the benefit of Britain.

5. The settlement of all the intermediate lands, between the present frontiers of our colonies on one side, and the Lakes and Mississippi on the other, would be facilitated and speedily executed, to the great increase of Englishmen, English trade, and English power.

The grants to most of the colonies are of long, narrow slips of land, extending west from the Atlantic to the South Sea. They are much too long for their breadth; the extremes at too great a distance; and therefore unfit to be continued under their present dimensions.

Several of the old colonies may conveniently be

limited westward by the Allegany or Appalachian mountains, and new colonies formed west of those mountains.

A single old colony does not seem strong enough to extend itself otherwise than inch by inch. It cannot venture a settlement far distant from the main body, being unable to support it; but if the colonies were united under one governor-general and grand council, agreeably to the Albany plan, they might easily, by their joint force, establish one or more new colonies, whenever they should judge it necessary or advantageous to the interest of the whole.

But if such union should not take place, it is proposed that two charters be granted, *each* for some considerable part of the lands west of Pennsylvania and the Virginian mountains, to a number of the nobility and gentry of Britain; with such Americans as shall join them in contributing to the settlement of those lands, either by paying a proportion of the expense of making such settlements, or by actually going thither in person, and settling themselves and families.

That by such charters it be granted, that every actual settler be entitled to a tract of acres for himself, and acres for every poll in the family he carries with him; and that every contributor of guineas be entitled to a quantity of acres, equal to the share of a single settler, for every such sum of guineas contributed and paid to the colony treasurer; a contributor for. shares to have an additional share *gratis;* that settlers may likewise be contributors, and have right of land in both capacities.

That as many and as great privileges and powers of government be granted to the contributors and settlers, as his Majesty in his wisdom shall think most fit for their benefit and encouragement, consistent with the general good of the British empire; for extraor-

dinary privileges and liberties, with lands on easy terms, are strong inducements to people to hazard their persons and fortunes in settling new countries. And such powers of government as (though suitable to their circumstances, and fit to be trusted with an infant colony,) might be judged unfit, when it becomes populous and powerful, these might be granted for a term only; as the choice of their own governor for ninety-nine years; the support of government in the colonies of Connecticut and Rhode Island (which *now* enjoy that and other like privileges) being much less expensive, than in the colonies under the immediate government of the crown, and the constitution more inviting.

That the first contributors to the amount of guineas be empowered to choose a treasurer to receive the contribution.

That no contributions be paid till the sum of thousand guineas be subscribed.

That the money thus raised be applied to the purchase of the lands from the Six Nations and other Indians, and of provisions, stores, arms, ammunition, carriages, &c., for the settlers, who, after having entered their names with the treasurer, or person by him appointed to receive and enter them, are, upon public notice given for that purpose, to rendezvous at a place to be appointed, and march in a body to the place destined for their settlement, under the charge of the government to be established over them. Such rendezvous and march, however, not to be directed, till the number of names of settlers entered, capable of bearing arms, amount at least to thousand.

It is apprehended, that a great sum of money might be raised in America on such a scheme as this; for there are many who would be glad of any opportunity,

by advancing a small sum at present, to secure land for their children, which might in a few years become very valuable; and a great number it is thought of actual settlers might likewise be engaged (some from each of our present colonies), sufficient to carry it into full execution by their strength and numbers; provided only, that the crown would be at the expense of removing the little forts the French have erected in their encroachments on his Majesty's territories, and supporting a strong one near the Falls of Niagara, with a few small armed vessels, or half-galleys to cruise on the Lakes.

For the security of this colony in its infancy, a small fort might be erected and for some time maintained at Buffalo Creek on the Ohio, above the settlement; and another at the mouth of the Tioga, on the south side of Lake Erie, where a port should be formed, and a town erected, for the trade of the Lakes. The colonists for *this settlement* might march by land through Pennsylvania.

The river Scioto, which runs into the Ohio about two hundred miles below Logstown, is supposed the fittest seat for the *other colony;* there being for forty miles on each side of it, and quite up to its heads, a body of all rich land; the finest spot of its bigness in all North America, and has the particular advantage of sea-coal in plenty (even above ground in two places) for fuel, when the woods shall be destroyed. This colony would have the trade of the Miamis or Twigtwees; and should, at first, have a small fort near Hochockin, at the head of the river; and another near the mouth of Wabash. Sandusky, a French fort near the Lake Erie, should also be taken; and all the little French forts south and west of the Lakes, quite to the Mississippi, be removed,

or taken and garrisoned by the English. The colonists for this settlement might assemble near the heads of the rivers in Virginia, and march over land to the navigable branches of the Kenhawa, where they might embark with all their baggage and provisions, and fall into the Ohio, not far above the mouth of the Scioto. Or they might rendezvous at Will's Creek, and go down the Monongahela to the Ohio.

The fort and armed vessels at the strait of Niagara would be a vast security to the frontiers of these new colonies against any attempts of the French from Canada. The fort at the mouth of the Wabash would guard that river, the Ohio, and the Cutava River, in case of any attempt from the French of the Mississippi. Every fort should have a small settlement round it, as the fort would protect the settlers, and the settlers defend the fort and supply it with provisions.

The difficulty of settling the first English colonies in America, at so great a distance from England, must have been vastly greater, than the settling these proposed new colonies; for it would be the interest and advantage of all the present colonies to support these new ones; as they would cover their frontiers, and prevent the growth of the French power behind or near their present settlements; and the new country is nearly at equal distance from all the old colonies, and could easily be assisted from all of them.

And as there are already in all the old colonies many thousands of families that are ready to swarm, wanting more land, the richness and natural advantage of the Ohio country would draw most of them thither, were there but a tolerable prospect of a safe settlement. So that the new colonies would soon be full of people; and, from the advantage of their situation, become much more terrible to the French set-

tlements, than those are now to us. The gaining of the back Indian trade from the French, by the navigation of the Lakes, &c., would of itself greatly weaken our enemies, it being now their principal support. It seems highly probable, that in time they must be subjected to the British crown, or driven out of the country.

Such settlements may better be made now, than fifty years hence; because it is easier to settle ourselves, and thereby prevent the French settling there, as they seem now to intend, than to remove them when strongly settled.

If these settlements are postponed, then more forts and stronger, and more numerous and expensive garrisons must be established, to secure the country, prevent their settling, and secure our present frontiers; the charge of which may probably exceed the charge of the proposed settlements, and the advantage nothing near so great.

The fort at Oswego should likewise be strengthened, and some armed half-galleys, or other small vessels, kept there to cruise on Lake Ontario, as proposed by Mr. Pownall in his paper laid before the commissioners at the Albany treaty.

If a fort was also built at Tirondequat on Lake Ontario, and a settlement made there near the lake side, where the lands are said to be good, much better than at Oswego; the people of such settlements would help to defend both forts on any emergency.

AN ACT

FOR THE BETTER ORDERING AND REGULATING SUCH AS ARE WILLING AND DESIROUS TO BE UNITED FOR MILITARY PURPOSES IN PENNSYLVANIA.

PASSED NOVEMBER 25TH, 1755.

The defeat of General Braddock at the battle of the Monongahela, on the 9th of July, 1755, had filled the people of Pennsylvania with alarm. The Assembly at its next session made a large grant in money for purposes of defence. The doctrine of non-resistance, which was a part of the creed of a large portion of the population, had hitherto prevented the establishment of any efficient militia system. To meet the present crisis, Franklin drew up the following act for embodying and disciplining a voluntary militia. It was carried through the House, he says, without much difficulty, because care had been taken to leave the Quakers at liberty. — EDITOR.

WHEREAS this province was first settled by (and a majority of the Assemblies have ever since been of) the people called Quakers, who, though they do not, as the world is now circumstanced, condemn the use of arms in others, yet are principled against bearing arms themselves; and to make any law to compel them thereto, against their consciences, would be not only to violate a fundamental in our constitution, and be a direct breach of our charter of privileges, but would also in effect be to commence persecution against all that part of the inhabitants of the province; and for them by any law to compel others to bear arms, and exempt themselves, would be inconsistent and partial;

yet forasmuch as, by the general toleration and equity of our laws, great numbers of people of other religious denominations are come among us, who are under no such restraint, some of whom have been disciplined in the art of war, and conscientiously think it their duty to fight in defence of their country, their wives, their families, and estates, and such have an equal right to liberty of conscience with others; and whereas a great number of petitions from the several counties of this province have been presented to this House, setting forth, that the petitioners are very willing to defend themselves and their country, and desirous of being formed into regular bodies for that purpose, instructed and disciplined under proper officers, with suitable and legal authority; representing withal, that unless measures of this kind are taken, so as to unite them together, subject them to due command, and thereby give them confidence in each other, they cannot assemble to oppose the enemy, without the utmost danger of exposing themselves to confusion and destruction;

And whereas the voluntary assembling of great bodies of armed men from different parts of the province on any occasional alarm, whether true or false, as of late hath happened, without call or authority from the government, and without due order and direction among themselves, may be attended with danger to our neighbouring Indian friends and allies, as well as to the internal peace of the province;

And whereas the governor hath frequently recommended it to the Assembly, that, in preparing and passing a law for such purposes, they should have a due regard for scrupulous and tender consciences, which cannot be done where compulsive means are used to force men into military service; therefore, as we

represent all the people of the province, and are composed of members of different religious persuasions, we do not think it reasonable that any should, through a want of legal powers, be in the least restrained from doing what they judge it their duty to do for their own security and the public good; we, in compliance with the said petitions and recommendations, do offer it to the governor to be enacted, and be it enacted by the Honorable Robert Hunter Morris, with the King's royal approbation lieutenant-governor, under Thomas Penn and Richard Penn, true and absolute proprietors of the province of Pennsylvania, and of the counties of Newcastle, Kent, and Sussex, upon Delaware, by and with the advice and consent of the representatives of the freemen of the said province in General Assembly met, and by the authority of the same, that, from and after the publication of this act, it shall and may be lawful for the freemen of this province to form themselves into companies, as heretofore they have used in time of war without law, and for each company, by majority of votes in the way of ballot, to choose its own officers, to wit, a captain, lieutenant, and ensign, and present them to the governor or commander-in-chief for the time being for his approbation; which officers so chosen, if approved and commissioned by him, shall be the captain, lieutenant, and ensign of each company respectively, according to their commissions; and, the said companies being divided into regiments by the governor or commander-in-chief, it shall and may be lawful for the officers so chosen and commissioned for the several companies of each regiment to meet together, and by majority of votes, in the way of ballot, to choose a colonel, lieutenant-colonel, and major, for the regiment, and present them to the governor or

commander-in-chief for his approbation; which officers so chosen, if approved and commissioned by him, shall be the colonel, lieutenant-colonel, and major of the regiment, according to their commissions, during the continuance of this act.

Provided always, that if the governor or commander-in-chief shall not think fit to grant his commission to any officer so first chosen and presented, it shall and may be lawful for the electors of such officer to choose two other persons in his stead, and present them to the governor or commander-in-chief, one of whom, at his pleasure, shall receive his commission, and be the officer as aforesaid.

And be it further enacted by the authority aforesaid, that, as soon as the said companies and regiments are formed, and their officers commissioned as aforesaid, it shall and may be lawful to and for the governor, or commander-in-chief, by and with the advice and consent of the colonels, lieutenant-colonels, and majors of all the regiments, being for that purpose by him called and convened, or by and with the advice and consent of a majority of the said officers that shall be met and present together on such call, to form, make, and establish articles of war, for the better government of the forces that shall be under their command, and for bringing offenders against the same to justice; and to erect and constitute courts-martial, with power to hear, try, and determine any crimes or offences by such articles of war, and inflict penalties by sentence or judgment of the same on those who shall be subject thereto, in any place within this province. Which articles of war, when made as aforesaid, shall be printed, and distributed to the captains of the several companies, and by them distinctly read to their respective companies; and all and every

captain, lieutenant, ensign, or other freeman, who shall, after at least three days' consideration of the said articles, voluntarily sign the same, in presence of some one justice of the peace, acknowledging his having perused or heard the same distinctly read, and that he has well considered thereof, and is willing to be bound and governed thereby, and promises obedience thereto, and to his officers accordingly, shall henceforth be deemed well and duly bound to the observance of the said articles, and to the duties thereby required, and subject to the pains, penalties, punishments, and forfeitures, that may therein be appointed for disobedience and other offences.

Provided always, that the articles, so to be made and established, shall contain nothing repugnant, but be as near as possible conformable, to the military laws of Great Britain, and to the articles of war made and established by his Majesty in pursuance of the last act of Parliament for punishing mutiny and desertion, the different circumstances of this province compared with Great Britain, and of a voluntary militia of freemen compared with mercenary standing troops, being duly weighed and maturely considered.

Provided also, that nothing in this act shall be understood or construed to give any power or authority to the governor or commander-in-chief, and the said officers, to make any articles or rules that shall in the least affect those of the inhabitants of the province who are conscientiously scrupulous of bearing arms, either in their liberties, persons, or estates; nor any other persons of what persuasion or denomination soever, who have not first voluntarily and freely signed the said articles after due consideration as aforesaid.

Provided also, that no youth under the age of twenty-one years, nor any bought servant or indented

apprentice, shall be admitted to enroll himself, or be capable of being enrolled, in the said companies or regiments without the consent of his or their parents or guardians, masters or mistresses, in writing under their hands first had and obtained.

Provided also, that no enlistment or enrolment of any person in any of the companies or regiments to be formed and raised as aforesaid, shall protect such person in any suit or civil action brought against him by his creditors or others, except during his being in actual service in field or garrison; nor from a prosecution for any offence committed against the laws of this province.

Provided, also, that no regiment, company, or party of volunteers, shall, by virtue of this act, be compelled or led more than three days' march beyond the inhabited parts of the province; nor detained longer than three weeks in any garrison, without an express engagement for that purpose, first voluntarily entered into and subscribed by every man so to march or remain in garrison.

This act to continue in force until the 30th day of October next, and no longer.

A DIALOGUE

BETWEEN X, Y, & Z, CONCERNING THE PRESENT STATE OF AFFAIRS IN PENNSYLVANIA.

The object of this *Dialogue*, as the author tells us, was to enlighten the public mind on his Militia Act, and to promote the association necessary to form a militia. In his opinion it had "great effect." Such objections as could be brought against the Act, are stated and answered in a manner suited to the understanding of the people. It was first printed in the *Pennsylvania Gazette*, December 18th, 1755. The Militia Act and the Dialogue were published in the GENTLEMAN'S MAGAZINE, London, the one in February, the other in March, 1756. In an editorial paragraph it is said, "The conduct of the Assembly of Pennsylvania, at this time of imminent danger, being thought by many somewhat extraordinary, every thing that tends to give light into the motives of its proceedings must deserve attention." — EDITOR.

X. YOUR servant, Gentlemen; I am glad to see you at my house. Is there any thing new to-day?

Y. We have been talking of the militia act; have you seen it?

X. Yes; I have read it in the papers.

Z. And what do you think of it?

X. The more I consider it, the better I like it. It appears to me a very good act, and I am persuaded will be of good use, if heartily carried into execution.

Z. Ay, that may be; but who is to carry it into execution? It says, that people may form themselves

into companies, and choose their own officers; but there is neither time nor place appointed for this transaction, nor any person directed or empowered to call them together.

X. It is true; but methinks there are some words that point out the method pretty plain to willing minds. And it seems to me, that we who joined so sincerely in the petitions for a militia law, and really thought one absolutely necessary for the safety of our country, should, now we have obtained the law, rather endeavour to *explain*, than *invent* difficulties in the construction of it.

Y. What are those words you mention?

X. Here is the act itself; I will read that part of it. "From and after the publication of this act, it shall and may be lawful for the freemen of this province to form themselves into companies, *as heretofore they used in time of war without law*, and for each company, by majority of votes, in the way of ballot, to choose its own officers, &c." The words I meant are these, "*as heretofore they have used in time of war.*" Now I suppose we have none of us forgot the association in the time of the last war; it is not so long since, but that we may well enough remember the method we took to form ourselves into companies, choose our officers, and present them to the governor for approbation and commissions; and the act in question says plainly, we may now *lawfully do*, in this affair, what we then did *without law*.

Y. I did not before take so much notice of those words, but, to be sure, the thing is easy enough; for I remember very well how we managed at that time. And indeed it is easier to effect it now than it was then; for the companies and regiments, and their districts, &c., were then all to form and settle. But now,

why may not the officers of the old companies call the old associators together, with such others in the district of each company, as incline to be concerned, and proceed immediately to a new choice by virtue of the act? Other new companies may in other places be formed, as the associated companies were.

Z. You say right. And if this were all the objection to the act, no doubt they would do so immediately. But it is said, there are other faults in it.

X. What are they?

Z. The act is so loose, that persons who never intended to engage in the militia, even *Quakers*, may meet and vote in the choice of the officers.

X. Possibly;—but was any such thing observed in the association elections?

Z. Not that I remember.

X. Why should it be more apprehended now, than it was at that time? Can they have any motives to such a conduct now, which they had not then?

Z. I cannot say.

X. Nor can I. If a militia be necessary for the safety of the province, I hope we shall not boggle at this little difficulty. What else is objected?

Z. I have heard this objected, That it were better the governor should appoint the officers; for, the choice being in the people, a man very unworthy to be an officer may happen to be popular enough to get himself chosen by the undiscerning mob.

X. It is possible. And if all officers appointed by governors were always men of merit, and fully qualified for their posts, it would be wrong ever to hazard a popular election. It is reasonable, I allow, that the commander-in-chief should not have officers absolutely forced upon him, in whom, from his knowledge of their incapacity, he can place no confidence. And, on

the other hand, it seems likely that the people will engage more readily in the service, and face danger with more intrepidity, when they are commanded by a man they know and esteem, and on whose prudence and courage, as well as good-will and integrity, they can have reliance, than they would under a man they either did not know, or did not like. For, supposing governors ever so judicious and upright in the distribution of commissions, they cannot know everybody, in every part of the province, and are liable to be imposed on by partial recommendations; but the people generally know their neighbours. And, to me, the act in question seems to have hit a proper medium between the two modes of appointing. The people choose, and if the governor approves, he grants the commission; if not, they are to choose a second, and even a third time. Out of three choices, it is probable one may be right; and where an officer is approved both by superiors and inferiors, there is the greatest prospect of those advantages that attend a good agreement in the service. This mode of choice is moreover agreeable to the liberty and genius of our constitution. It is similar to the manner in which by our laws sheriffs and coroners are chosen and approved. And yet it has more regard to the prerogative than the mode of choice in some colonies, where the military officers are either chosen absolutely by the companies themselves, or by the House of Representatives, without any negative on that choice, or any approbation necessary from the governor.

Y. But is that agreeable to the English constitution?

X. Considered in this light, I think it is; British subjects, by removing into America, cultivating a wilderness, extending the dominion, and increasing the wealth, commerce, and power of their mother country,

at the hazard of their lives and fortunes, ought not, and in fact do not thereby lose their native rights. There is a power in the crown to grant a continuance of those rights to such subjects, in any part of the world, and to their posterity born in such new country; and, for the farther encouragement and reward of such merit, to grant additional liberties and privileges, not used in England, but suited to the different circumstances of different colonies. If then the grants of those additional liberties and privileges may be regularly made under an English constitution, they may be enjoyed agreeably to that constitution.

Y. But the act is very short; there are numberless circumstances and occasions pertaining to a body of armed men, which are not, as they ought to have been, expressly provided for in the act.

X. It is true, there are not express provisions in the act for all circumstances; but there is a power lodged by the act in the governor and field-officers of the regiments, to make all such provisions, in the articles of war which they may form and establish.

Y. But can it be right in the legislature, by any act, to delegate their power of making laws to others?

X. I believe not, generally; but certainly in particular cases it may. Legislatures may, and frequently do, give to corporations power to make by-laws for their own government. And, in this case, the act of Parliament gives the power of making articles of war for the government of the army to the King alone, and there is no doubt but the Parliament understands the rights of government.

Y. Are you sure the act of Parliament gives such power?

X. This is the act. The power I mention is here in the 55th section. "Provided always, that it shall and

may be lawful to and for his Majesty, to form, make, and establish articles of war for the better government of his Majesty's forces, and for bringing offenders against the same to justice; and to erect and constitute courts-martial, with power to try, hear, and determine any crimes or offences by such articles of war, and inflict penalties by sentence or judgment of the same." And here you see, bound up with the act, the articles of war, made by his Majesty in pursuance of the act, and providing for every circumstance.

Z. It is, sure enough. I had been told that our act of Assembly was impertinently singular in this particular.

X. The governor himself, in a message to the House, expressly recommended this act of Parliament for their imitation, in forming the militia bill.

Z. I never heard that before.

X. But it is true. The Assembly, however, considering that this militia would consist chiefly of freeholders, have varied a little from that part of the act of Parliament, in favor of liberty; they have not given the sole power of making those articles of war *to the governor*, as that act does to the King; but have joined with the governor, for that purpose, a number of officers to be chosen by the people. The articles, moreover, are not to be general laws, binding on all the province, nor on any man who has not first approved of them, and voluntarily engaged to observe them.

Z. Is there no danger that the governor and officers may make those articles too severe?

X. Not without you can suppose them enemies to the service, and to their country; for, if they should make such as are unfit for freemen and Englishmen

to be subjected to, they will get no soldiers; nobody will engage. In some cases, however, if you and I were in actual service, I believe we should both think it necessary for our own safety, that the articles should be pretty severe.

Z. What cases are they?

X. Suppose a sentinel should betray his trust, give intelligence to the enemy, or conduct them into our quarters.

Z. To be sure there should be severe punishments for such crimes, or we might all be ruined.

X. Choose reasonable men for your officers, and you need not fear their making reasonable laws; and if they make such, I hope reasonable men will not refuse to engage under them.

Y. But here is a thing I do not like. By this act of Assembly, the Quakers are neither compelled to muster, nor to pay a fine if they do not.

X. It is true; nor could they be compelled either to muster or pay a fine of that kind, by any militia law made here. They are exempted by the charter and fundamental laws of the province.

Y. How so?

X. See here; it is the first clause in the charter. I will read it. "Because no people can be truly happy, though under the greatest enjoyment of civil liberties, if abridged of the freedom of their consciences as to their *religious profession* and worship; and Almighty God being the only lord of conscience, father of lights and spirits, and the author as well as object of all divine knowledge, faith, and worship, who only doth enlighten the minds, and persuade and convince the understandings of people; I do hereby grant and declare, That no person or persons inhabiting in this province or territories, who shall confess and acknowl-

edge one Almighty God, the creator, upholder, and ruler of the world, and profess him or themselves obliged to live quietly under the civil government, shall be, IN ANY CASE, MOLESTED OR PREJUDICED in his or their PERSON or ESTATE because of his or their *conscientious persuasion* or practice, nor be compelled to frequent or maintain any religious worship, place, or ministry, contrary to his or their mind, or to DO OR SUFFER any OTHER ACT OR THING, contrary to their religious persuasion." And, in the 8th section of the same charter, you see a declaration, that "neither the proprietor, nor his heirs or assigns, shall procure or do any thing or things, whereby the liberties in this charter contained or expressed, nor any part thereof, shall be infringed or broken; and if any thing shall be procured or done by *any person or persons*, contrary to these presents, it shall be held of NO FORCE OR EFFECT." This liberty of conscience granted by charter, is also established by the first law in our book, and confirmed by the crown. And, moreover, the governor has an express instruction from the proprietaries, that, in case of making any militia law, he shall take especial care that the charter be not infringed in this respect. Besides, most of our petitions for a militia from the moderate part of the people requested particularly, that due regard might be had to scrupulous and tender consciences. When taxes are raised, however, for the King's service, the Quakers and Menonists pay their part of them, and a great part; for, as their frugality and industry make them generally wealthy, their proportion is the greater compared with their numbers. And out of these taxes those men are paid who go into actual service. As for mustering and training, no militia are anywhere paid for that. It is by many justly delighted in, as a

manly exercise. But those who are engaged in actual service for any time, ought undoubtedly to have pay.

Y. There is no provision in this militia act to pay them.

X. There is a provision, that no regiment, company, or party, though engaged in the militia, shall be obliged "to more than three days' march, &c., without an express engagement for that purpose, first voluntarily entered into and subscribed by every man, so to march or remain in garrison." And it is to be supposed, that no man will subscribe such particular engagement without reasonable pay, or other encouragement.

Y. But where is that pay to come from?

X. From the government to be sure; and out of the money struck by the act for granting £60,000.

Z. Yes; but those who serve must pay a share of the tax, as well as those who do not.

X. Perhaps not. It is to be supposed, that those who engage in the service for any time, upon pay, will be chiefly single men, and they are expressly exempted from the tax by the £60,000 act. Consequently those who do not serve, must pay the more; for the sum granted must be made up.

Z. I never heard before, that they were exempted by that act.

X. It is so, I assure you.

Y. But there is no provision in the militia act for the maimed.

X. If they are poor, they are provided for by the laws of their country. There is no other provision by any militia law that I know of. If they have behaved well, and suffered in their country's cause, they deserve, moreover, some grateful notice of their service, and some assistance from the common treasury; and if any particular township should happen to be over-

burthened, they may, on application to the government, reasonably expect relief.

Z. Though the Quakers, and others conscientiously scrupulous of bearing arms, are exempted, as you say, by charter, they might, being a majority in the Assembly, have made the law compulsory on others. At present, it is so loose, that nobody is obliged by it, who does not voluntarily engage.

X. They might indeed have made the law compulsory on all others. But it seems, they thought it more equitable and generous to leave to all as much liberty as they enjoy themselves, and not lay even a seeming hardship on others, which they themselves declined to bear. They have, however, granted all we asked of them. Our petitions set forth, that "we were freely willing and ready to defend ourselves and country, and all we wanted was legal authority, order, and discipline." These are now afforded by the law, if we think fit to make use of them. And indeed I do not see the advantage of compelling people of any sect into martial service, merely for the sake of raising numbers. I have been myself in some service of danger, and I always thought cowards rather weakened than strengthened the party. Fear is contagious, and a panic once begun spreads like wildfire, and infects the stoutest heart. All men are not by nature brave; and a few, who are so, will do more effectual service by themselves, than when accompanied by, and mixed with, a multitude of paltroons, who only create confusion, and give advantage to the enemy.

Z. What signifies what you thought or think? Others think differently; and all the wise legislatures in the other colonies have thought fit to compel all sorts of persons to bear arms, or suffer heavy penalties.

X. As you say, what I thought, or think, is not of much consequence. But a wiser legislator than all those you mention put together, and who better knew the nature of mankind, made his military law very different from theirs in that respect.

Z. What legislator do you mean?

X. I mean God himself, who would have no man led to battle that might rather wish to be at home, either from fear or other causes.

Z. Where do you find that law?

X. It is in the 20th chapter of *Deuteronomy*, where are these words, *When thou goest out to battle against thine enemies, the officers shall speak unto the people, saying, What man is there that hath built a new house, and hath not dedicated it? Let him go and return to his house, lest he die in the battle, and another man dedicate it. And what man is he that hath planted a vineyard, and hath not yet eaten of it? Let him also go and return unto his house, lest he die in the battle, and another man eat of it. And what man is there that hath betrothed a wife, and hath not taken her? Let him go and return unto his house, lest he die in battle, and another man take her. And*—

Z. These all together could not be many; and this has no relation to cowardice.

X. If you had not interrupted me, I was coming to that part; (verse 8,) *And the officers shall speak further unto the people, and they shall say, What man is there that is* FEARFUL *and* FAINT-HEARTED? *Let him go and return unto his house, lest his brethren's heart faint as well as his heart;* that is, lest he communicate his fears, and his brave brethren catch the contagion, to the ruin of the whole army. Accordingly we find, that, under this military law, no people in the world fought more gallantly, or performed greater

actions, than the Hebrew soldiery. And if you would be informed what proportion of people would be discharged by such a proclamation, you will find that matter determined by an actual experiment, made by General Gideon, as related in the 7th Chapter of Judges; for he, having assembled thirty-two thousand men against the Midianites, proclaimed, according to law, (verse 3,) *Whosoever is* FEARFUL *and* AFRAID, *let him return and depart early from Mount Gilead.*

Z. And pray how many departed?

X. The text says, there departed twenty-two thousand, and there remained but ten thousand men. A very great sifting! and yet on that particular occasion a farther sifting was required. Now it seems to me, that this militia law of ours, which gives the brave all the advantages that they can desire, of order, authority, discipline, and the like, and compels no cowards into their company, is such a kind of sieve, as the Mosaic proclamation. For, with us, not only every man who has built a house, or planted a vineyard, or betrothed a wife, or is afraid of his flesh; but the narrow bigot, filled with sectarian malice, if such there be, who hates Quakers more than he loves his country, his friends, his wife, or family, may say, *I will not engage, for I do not like the act;* or, *I do not like the officers that are chosen;* or, *I do not like the articles of war;* and so we shall not be troubled with them, but all that engage will be hearty.

Z. For my part, I am no coward, but hang me if I will fight to save the Quakers.

X. That is to say, you will not pump ship, because it will save the rats, as well as yourself.

Y. You have answered most of the objections I have heard against the act to my satisfaction; but there is one remaining. The method of carrying it into

execution seems so roundabout, I am afraid we cannot have the benefit of it in any reasonable time.

X. I cannot see much in that objection. The several neighbourhoods out of which companies are formed, may meet and choose their company officers in one and the same day; and the regiments may be formed, and field-officers chosen, in a week or ten days after, who may immediately proceed to consider the several militia laws of Britain and the colonies, and, with the governor, form out of them such articles, as will appear most suitable for the freemen of this province, who incline to bear arms voluntarily; and the whole may be in order in a month from the first elections, if common diligence be used. And, indeed, as the colonies are at present the prize contended for between Britain and France, and the latter, by the last advices, seems to be meditating some grand blow, part of which may probably fall on Pennsylvania, either by land or sea, or both, it behoves us, I think, to make the best use we can of this act, and carry it immediately into execution, both in town and country. If there are any material defects in it, experience will best discover them, and show what is proper or necessary to amend them. The approaching winter will afford us some time to arm and prepare, and more leisure, than other seasons, for exercising and improving in good discipline.

Z. But if this act should be carried into execution, prove a good one, and answer the end, what shall we have to say against the Quakers at the next election?

X. O my friends, let us on this occasion cast from us all these little party views, and consider ourselves as Englishmen and Pennsylvanians. Let us think only of the service of our King, the honor and safety of our country, and vengeance on its murdering enemies.

If good be done, what imports it by whom it is done? The glory of serving and saving others is superior to the advantage of being served or secured. Let us resolutely and generously unite in our country's cause, in which to die is the sweetest of all deaths, and may the God of armies bless our honest endeavours.

REPORT

OF THE COMMITTEE OF AGGRIEVANCES OF THE ASSEMBLY OF PENNSYLVANIA.

DATED FEBRUARY 22D, 1757.

The English colonial governments were of three sorts. First, *Provincial* governments; where the constitution originally depends on the King's commission and instructions, given to his governors; and the Assemblies, held under that authority, have their share in making local ordinances not repugnant to English law. Next, *Proprietary* governments; where a district of country is given by the crown to individuals, attended with certain legislative powers in the nature of a fief; with a provision for the sovereignty at home, and also for the fulfilment of the terms and end of the grant. Lastly, *Charter* governments, where the fundamentals of the government are previously prescribed and made known to the settlers, being in no degree left subject to a governor's commission or proprietor's will. (See *Blackstone*, Vol. I. Introd. § 4.) Good faith, however, to mankind seemed to require, that the constitutions, once begun under the provincial or proprietary governments, should remain unaltered (except for improvement) to the respective settlers; equally as in charter governments.

By the last paragraph of the following Report, it seems that the Assembly established in Pennsylvania intended to send commissioners to England to solicit redress of various grievances, particularly respecting their Proprietors' conduct; and that, the business being referred to a committee of the Assembly, the following

report was meant to convey the opinion of that committee concerning the instructions necessary to be given by the Assembly to the commissioners. — B. V.

In obedience to the order of the House, we have drawn up the heads of the most important aggrievances that occur to us, which the people of this province with great difficulty labor under; the many infractions of the constitution, (in manifest violation of the royal grant, the proprietary charter, the laws of this province, and of the laws, usages, and customs of our mother country,) and other matters, which we apprehend call aloud for redress.

They are as follow;

First. By the royal charter, (which has ever been, ought to be, and truly is, the principal and invariable fundamental of this constitution,) King Charles the Second did give and grant unto William Penn, his heirs and assigns, the province of Pennsylvania; and also to him and his heirs, and his or their *deputies* or lieutenants, free, full, and absolute power for the good and happy government thereof, to make and enact any laws, "according to their best discretion, by and with the advice, assent, and approbation of the *freemen* of the said country, or of their delegates or deputies;" for the raising of money, or any other end appertaining to the public state, peace, or safety of the said country. By the words of this grant, it is evident that full powers are granted to the *deputies* and lieutenants of William Penn and his heirs, to concur with the people in framing laws for their protection and the safety of the province, according to their best discretion; independent of any instructions or directions they should receive from their *principals.* And it is equally obvious

to your committee, that the *people* of this province and their representatives were interested in this royal grant; and by virtue thereof have an original right of legislation inherent in them, which neither the proprietors nor any other person whatsoever can divest them of, restrain, or abridge, without manifestly violating and destroying the letter, spirit, and design of this grant.

Nevertheless we unfortunately find, that the proprietaries of this province, regardless of this sacred fundamental of all our rights and liberties, have so abridged and restricted their late and present *governor's* discretion in matters of legislation, by their illegal, impracticable, and unconstitutional instructions and prohibitions, that no bill for granting aids and supplies to our most gracious Sovereign, (be it ever so reasonable, expedient, and necessary for the defence of this his Majesty's colony, and safety of his people,) unless it be agreeable thereto, can meet with his approbation; by means whereof the many considerable sums of money, which have been offered for those purposes by the Assemblies of this province (ever anxious to maintain his honor and rights), have been rejected; to the great encouragement of his Majesty's enemies, and the imminent danger of the loss of this his colony.

Secondly. The representatives of the people in General Assembly met, by virtue of the said royal grant, and the charter of privileges granted by the said William Penn, and a law of this province, have right to, and ought to enjoy, all the powers and privileges of an Assembly, according to the rights of the free-born subjects of England, and as is usual in any of the plantations in America. It is an indubitable and now an uncontested right of the Commons of England to *grant aids* and supplies to his Majesty in any manner they think most easy to themselves and the people; and

they are the sole judges of the *measure, manner, and time* of granting and raising the same.

Nevertheless the proprietaries of this province, in contempt of the said royal grant, proprietary charter, and law of their colony; designing to subvert the fundamentals of this constitution, to deprive the Assembly and people of their rights and privileges, and to assume an arbitrary and tyrannical power over the liberties and properties of his Majesty's liege subjects; have so restrained their governors by the *despotic instructions*, (which are not to be varied from, and are particularly directory in the framing and passing of money bills and supplies to his Majesty, as to the mode, measure, and time,) that it is impossible for the Assembly, should they lose all sense of their most essential rights, and comply with those instructions, to grant sufficient aids for the defence of this his Majesty's province from the common enemy.

Thirdly. In pursuance of sundry acts of General Assembly, approved of by the crown, and a natural right inherent in every man antecedent to all laws, the Assemblies of this province have had the power of *disposing* of the *public* moneys, that have been raised for the encouragement of trade and support of government by the interest money arising by the loans of the bills of credit and the excise. No part of these moneys was ever paid by the *proprietaries*, or ever raised on their estates; and therefore they can have no pretence of right to a voice in the disposition of them. They have ever been applied with prudent frugality to the honor and advantage of the public and the King's immediate service, to the general approbation of the people; the credit of the government has been preserved, and the debts of the public punctually discharged. In short, no inconveniences, but great and many advantages

have accrued from the Assembly's prudent care and management of these funds.

Yet the proprietaries resolved to deprive the Assemblies of the power and means of *supporting an agent* in England, and of prosecuting their complaints and remonstrating their aggrievances, when injured and oppressed, to his Majesty and his Parliament; and, to rob them of this natural right (which has been so often approved of by their gracious Sovereign), have, by their said instructions, prohibited their governor from giving his assent to any laws emitting or reëmitting any paper currency or bills of credit, or for raising money by excise or any other method; unless the governor or commander-in-chief for the time being, by clauses to be inserted therein, have *a negative in the disposition* of the moneys arising thereby; let the languishing circumstances of our trade be ever so great, and a further or greater medium be ever so necessary for its support.

Fourthly. By the laws and statutes of England, the chief rents, honors, and castles of the *crown* are taxed, and *pay their proportion* to the supplies that are granted to the King for the defence of the realm and support of government. His Majesty, the nobility of the realm, and all the British subjects do now actually contribute their proportion towards the defence of America in general, and this province in particular; and it is in a more especial manner the duty of the *proprietaries* to pay their proportion of a tax for the immediate preservation of their own estates in this province. To exempt, therefore, any part of their estates from their reasonable part of this necessary burthen, is as unjust as it is illegal, and as new as it is arbitrary.

Yet the proprietaries, notwithstanding the general danger to which the nation and its colonies are exposed,

and great distress of this province in particular by their said instructions have prohibited their governors from passing laws for the raising supplies for its defence; *unless* all their located, unimproved, and unoccupied lands, quit-rents, fines, and purchase moneys on interest, (the much greater part of their enormous estates in this colony,) are expressly exempted from paying any part of the tax.

Fifthly. By virtue of the said royal charter, the proprietaries are invested with a power of doing all things, "which unto a complete establishment of justice, unto courts and tribunals, forms of judicature, and manner of proceedings, do belong." It was certainly the import and design of this grant, that the courts of judicature should be formed, and the *judges* and officers thereof hold their commissions, in a manner not repugnant, but agreeable to the laws and customs of England; that thereby they might remain free from the influence of persons in power, the rights of the people might be preserved, and their properties effectually secured. That the grantee, William Penn, (understanding the said grant in this light) did, by his original frame of government, covenant and grant with the people, that the judges and other officers should hold their commissions during their *good behaviour, and no longer.*

Notwithstanding which, the governors of this province have, for many years past, granted all the commissions to the judges of the King's Bench or supreme court of this province, and to the judges of the court of Common Pleas of the several counties, to be held during their *will and pleasure;* by means whereof the said judges being subject to the influence and directions of the proprietaries and their governors, their favorites and creatures, the laws may not be duly

administered or executed, but often wrested from their true sense to serve particular purposes; the foundation of justice may be liable to be destroyed; and the lives, laws, liberties, privileges, and properties of the people thereby rendered precarious and altogether insecure; to the great disgrace of our laws, and the inconceivable injury of his Majesty's subjects.

Your committee further beg leave to add, that, besides these aggrievances, there are other hardships the people of this province have experienced, that call for redress. The *enlistment of servants without the least satisfaction* being made to the masters, has not only prevented the cultivation of our lands, and diminished the trade and commerce of the province; but is a burthen extremely unequal and oppressive to individuals. And, should the practice continue, the consequence must prove very discouraging to the further settlement of this colony, and prejudicial to his Majesty's future service. Justice, therefore, demands that satisfaction should be made to the masters of such enlisted servants, and that the right of masters to their servants be confirmed and settled. But, as those servants have been enlisted into his Majesty's service for the general defence of America, and not of this province only, but all the colonies, and the nation in general, have and will receive equal benefit from their service, this satisfaction should be made at the expense of the nation, and not of the province only.

That the people now labor under *a burthen of taxes* almost insupportable by so young a colony, for the defence of its long-extended frontier, of about two hundred miles from New Jersey to Maryland; without either of those colonies, or the three lower counties on Delaware, contributing their proportion thereto; though their frontiers are in a great measure covered

and protected by our forts. And, should the war continue, and with it this unequal burthen, many of his Majesty's subjects in this province will be reduced to want; and the province, if not lost to the enemy, involved in debt and sunk under its load.

That, notwithstanding this weight of taxes, the Assemblies of this province *have given to the general service* of the nation five thousand pounds to purchase provisions for the troops under General Braddock; £2,985. 0*s.* 11*d.* for clearing a road by his orders; £10,514. 10*s.* 1*d.* to General Shirley, for the purchasing provisions for the New England forces; and expended the sum of £2,385 0*s.* 2½*d.* in supporting the inhabitants of Nova Scotia; which likewise we conceive ought to be a national expense.

And that his Majesty's subjects, the merchants and insurers in England, as well as the merchants here and elsewhere, did during the last, and will during the present war, greatly suffer in their property, trade, and commerce, by the *enemy's privateers* on this coast, and at our capes, unless some method be fallen on to prevent it.

Wherefore your committee are of opinion, that the commissioners, intended to be sent to England to solicit a memorial and redress of the many infractions and violations of the constitution, should also have it in charge, and be instructed, to represent to our most gracious Sovereign and his Parliaments the several unequal burthens and hardships before mentioned; and endeavour to procure satisfaction to the masters of such servants as have been enlisted, and the right of masters to their servants established and confirmed; and obtain a repayment of the said several sums of money, some assistance towards defending our extensive frontier, and a vessel of war to protect the trade and commerce of this province.

Submitted to the correction of the House.

Cist.
& Penn. (1681-1756.)

AN

HISTORICAL REVIEW

OF THE

CONSTITUTION AND GOVERNMENT

OF

PENNSYLVANIA.

AN

HISTORICAL REVIEW

OF THE

CONSTITUTION AND GOVERNMENT

OF

PENNSYLVANIA,

FROM ITS ORIGIN;

SO FAR AS REGARDS THE SEVERAL POINTS OF CONTROVERSY, WHICH HAVE FROM TIME TO TIME ARISEN BETWEEN THE SEVERAL GOVERNORS OF PENNSYLVANIA AND THEIR SEVERAL ASSEMBLIES.

FOUNDED ON AUTHENTIC DOCUMENTS.

Those, who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety.

First Published in London, 1759.

The controversies, which existed for many years between the Proprietary Governors and the Assemblies of Pennsylvania, are not without interest as an important branch of the general history of the country, and as showing the determined spirit of the people in their struggles for liberty. The following treatise relates to that subject. As a member of the Assembly for several years, and one of the leaders, Franklin had taken a conspicuous part against the Proprietaries; and, when it was at last resolved by the popular party to apply to the King in Council for a redress of their grievances, he was appointed their agent to manage the affair. He went to England for that purpose in the summer of 1757. To aid the object of his mission, to counteract the powerful efforts made against

the petition by the friends of the Proprietaries, and to remove the prejudices then existing in England unfavorable to the people of Pennsylvania, he caused the "Historical Review" to be published in London. It produced a strong impression, and called forth elaborate answers. It was the subject of a commendatory article in the *Monthly Review* for July, 1759. In his remarks upon it the writer says; "It must be confessed that the Pennsylvanians have, in our author, a most zealous and able advocate. His sentiments are manly, liberal, and spirited; his style close, nervous, and rhetorical. His Introduction is well calculated to warm his readers in behalf of liberty, of which he boasts his clients to have been the brave assertors. By a forcible display of the oppressions they have sustained, he inclines us to pity their condition; by an enumeration of their virtues, he endeavours to remove the idea, which many have conceived of their unimportance."

In the *Critical Review*, for August of the same year, the book fell into the hands of the opposite party; and, although it is treated with respect, yet it is censured for the tone it assumes in regard to the demands of the Pennsylvanians. "Nay," says the reviewer, "our author seems to carry his notions of liberty and independence so high, as to admit of no check or control from the government of his mother country."

As the work appeared at first anonymously, and the authorship was kept secret, it was for a long time supposed to have been written by Franklin. His grandson, who ought to have known the truth of what he affirmed, says, in the Memoirs he published, that Franklin was the author. The *Monthly Review*, for 1790, asserts the same, with a confidence that seems to imply positive knowledge. The following quotation is taken from an article on the *Bibliotheca Americana*. "The compiler, noticing the HISTORICAL REVIEW, cautiously adds, '*said* to be written by Dr. Franklin.' *We* add, *certainly was* written by that great man." The testimony of Dr. Franklin himself was also supposed to favor this opinion. In the part of the Memoirs left by him, and published after his death, where he speaks of a conversation with Governor Denny, and of the Governor's instructions, he says; "On this head he did not explain himself; but, when he afterwards came to do business with the Assembly, the disputes were renewed, and I was as active as ever in the opposition, being the penman, first of the request to have a communication of the instructions, and then of the remarks on them, which may be found in the Votes of the times, and in the HISTORICAL REVIEW *I afterwards published.*" It has recently been ascertained, however, that he was not in fact the author,

although it was written under his direction, and doubtless from copious materials furnished by him. (See his letter to David Hume, Vol. VII. p. 208.)

The value of the work, as an historical composition, will be estimated differently according to the bias of the reader's mind in regard to the disputed points on which it treats. It was professedly written to promote the aims of a party, and in this light it cannot be looked upon as free from partiality. A large portion of the work, however, consists of *facts*, stated with precision, and with such minuteness of citation as to verify their accuracy. These facts cannot be controverted. The reasonings and deductions from them would of course take a direction in conformity with the author's personal convictions and designs. The sentiments are everywhere favorable to liberty and justice. The style is clear and forcible. Some passages are powerfully written, and a peculiar felicity of thought and expression shines out in many others. The Dedication and Introduction are distinguished for beauty and vigor of language, and dignity of sentiment. The author is accused of having touched the name of the great founder of Pennsylvania with too rude a hand. If it be so, time has repaired the injury. Facts must have their own weight, because they are unchangeable and everduring; but the memory of William Penn cannot be tarnished by unfounded imputations, nor his character wounded by the misdirected darts of party zeal.

In its original form, this treatise was printed as one continued essay, without any divisions from beginning to end. For the convenience of readers it is now broken into chapters. — EDITOR.

DEDICATION.

To the Right Honorable Arthur Onslow, Esquire, Speaker of the Honorable House of Commons.

Sir; the subject of the following sheets is an unhappy one; the controversy between the Proprietaries and successive Assemblies of Pennsylvania; a controversy which has often embarrassed, if not endangered, the public service; a controversy which has been long

depending, and which still seems to be as far from an issue as ever.

Our blessed Saviour reproaches the Pharisees with laying heavy burdens on men's shoulders, which they themselves would not stir with a single finger.

Our proprietaries, Sir, have done the same; and, for the sake of the commonwealth, the province has hitherto submitted to the imposition. Not, indeed, without the most strenuous endeavours to lay the load equally, the fullest manifestations of their right to do so, and the strongest protestations against the violence put upon them.

Having been most injuriously misrepresented and traduced in print by the known agents and dependents of these gentlemen, their fellow-subjects, they at last find themselves obliged to set forth an historical state of their case, and to make their appeal to the public upon it.

With the public opinion in their favor, they may with the more confidence lift up their eyes to the wisdom of Parliament and the majesty of the crown, from whence alone they can derive an effectual remedy.

To your hands, Sir, these papers are most humbly presented, for considerations so obvious, that they scarce need any explanation.

The Roman provinces did not stand more in need of patronage than ours; and such clients as we are would have preferred the integrity of Cato to the fortune of Cæsar.

The cause we bring is in fact the cause of all the provinces in one; it is the cause of every British subject in every part of the British dominions; it is the cause of every man who deserves to be free, everywhere.

The propriety, therefore, of addressing these papers

to a gentleman, who, for so many successive parliaments, with so much honor to himself and satisfaction to the public, has been at the head of the Commons of Great Britain, cannot be called in question.

You will smile, Sir, perhaps, as you read the references of a provincial Assembly to the rights and claims of Parliament; but, we humbly conceive, it will be without the least mixture of resentment; those Assemblies having nothing more in view than barely to establish their privileges on the most rational and solid basis they could find, for the security and service of their constituents.

And you are humbly besought, Sir, not to think the worse of this address, because it has been made without your permission or privity.

Nobody asks leave to pay a debt; every Briton is your debtor, Sir; and all we have said, or can say, is but a poor composition for what we owe you.

You have conferred as much honor on the chair you fill, as the chair has conferred on you.

Probity and dignity are your characteristics.

May that seat always derive the same lustre from the same qualities.

This at least ought to be our prayer, whether it is or not within our expectations.

For the province of Pennsylvania, as well as in my own private capacity, I have the honor to be, with the most profound respect, Sir,

Your most obedient
humble servant,
THE EDITOR.

INTRODUCTION.

To obtain an infinite variety of purposes, by a few plain principles, is the characteristic of nature. As the eye is affected, so is the understanding; objects at a distance strike us according to their dimensions, or the quantity of light thrown upon them; near, according to their novelty or familiarity; as they are in motion or at rest. It is the same with actions. A battle is all motion; a hero all glare. While such images are before us, we can attend to nothing else. Solon and Lycurgus would make no figure in the same scene with the King of Prussia; and we are at present so lost in the military scramble on the continent next us, in which it must be confessed we are deeply interested, that we have scarce time to throw a glance toward America, where we have also much at stake; and where, if anywhere, our account must be made up at last.

We love to stare more than to reflect; and to be indolently amused at our leisure, rather than commit the smallest trespass on our patience by winding a painful, tedious maze, which would pay us nothing but knowledge.

But then, as there are some eyes which can find nothing marvellous, but what is marvellously great, so there are others which are equally disposed to marvel at what is marvellously little; and who can derive as much entertainment from their microscope in examining a mite, as Dr. —— in ascertaining the geography of the moon, or measuring the tail of a comet.

Let this serve as an excuse for the author of these sheets, if he needs any, for bestowing them on the

transactions of a colony, till of late hardly mentioned in our annals; in point of establishment one of the last upon the British list, and in point of rank one of the most subordinate; as being not only subjects, in common with the rest, to the crown, but also to the claims of a proprietary, who thinks he does them honor enough in governing them by deputy; consequently as much farther removed from the royal eye, and so much the more exposed to the pressure of self-interested instructions; — considerable, however, as most of them, for happiness of situation, fertility of soil, product of valuable commodities, number of inhabitants, shipping, amount of exportations, latitude of rights and privileges, and every other requisite for the being and well-being of society, and more considerable than any of them all for the celerity of its growth, unassisted by any human help but the vigor and virtue of its own excellent constitution.

A father and his family, the latter united by interest and affection, the former to be revered for the wisdom of his institutions, and the indulgent use of his authority, was the form it was at first presented in. Those who were only ambitious of repose found it here; and as none returned with an evil report of the land, numbers followed, all partook of the leaven they found; the community still wore the same equal face; nobody aspired; nobody was oppressed; industry was sure of profit, knowledge of esteem, and virtue of veneration.

An assuming landlord, strongly disposed to convert free tenants into abject vassals, and to reap what he did not sow, countenanced and abetted by a few desperate and designing dependents, on the one side; and on the other, all who have sense enough to know their rights, and spirit enough to defend them, combined

as one man against the said landlord, and his encroachments, is the form it has since assumed.

And, surely, to a nation born to liberty like this, bound to leave it unimpaired as they received it from their fathers in perpetuity to their heirs, and interested in the conservation of it in every appendage of the British empire, the particulars of such a contest cannot be wholly indifferent.

On the contrary, it is reasonable to think, the first workings of power against liberty, and the natural efforts of unbiassed men to secure themselves against the first approaches of oppression, must have a captivating power over every man of sensibility and discernment amongst us.

Liberty, it seems, thrives best in the woods. America best cultivates what Germany brought forth. And were it not for certain ugly comparisons, hard to be suppressed, the pleasure arising from such a research would be without alloy.

In the feuds of Florence, recorded by Machiavel, we find more to lament and less to praise. Scarce can we believe the first citizens of the ancient republics had such pretensions to consideration, though so highly celebrated in ancient story. And as to ourselves, we need no longer have recourse to the late glorious stand of the French parliaments to excite our emulation.

It is a known custom among farmers to change their corn from season to season for the sake of filling the bushel; and in case the wisdom of the age should condescend to make the like experiment in another shape, from hence we may learn, whither to repair for the proper species.

It is not, however, to be presumed, that such as have long been accustomed to consider the colonies, in general, as only so many dependencies on the Council-

board, the Board of Trade, and the Board of Customs; or as a hot-bed for causes, jobs, and other pecuniary emoluments, and as bound as effectually by instructions as by laws, can be prevailed upon to consider these patriot rustics with any degree of respect.

Derision, on the contrary, must be the lot of him who imagines it in the power of the pen, to set any lustre upon them; and indignation theirs for daring to assert and maintain the independency interwoven in their constitution, which now, it seems, is become an improper ingredient, and therefore to be excised away.

But how contemptible soever these gentlemen may talk of the colonies, how cheap soever they may hold their Assemblies, or how insignificant the planters and traders who compose them, truth will be truth, and principle principle notwithstanding.

Courage, wisdom, integrity, and honor are not to be measured by the sphere assigned them to act in, but by the trials they undergo, and the vouchers they furnish; and, if so manifested, need neither robes, nor titles to set them off.

CHAPTER I.

Abstract of the Charter granted to William Penn. Conditions to the first Settlers of Pennsylvania. Penn's first Frame of Government. His Reservation of Quit-Rents. His second Frame of Government. Pennsylvania and the Territory of the Three Lower Counties united. Remonstrance of a subsequent Assembly against the Union. Motives of the Planters for accepting the second Frame of Government. Mr. Penn's Return to England, and Appointment of five Commissioners to administer the Government. Disorders which ensued during his Absence. Captain Blackwell's Government.

THE Constitution of Pennsylvania is derived, first, from the *birthright* of every British subject; secondly, from the *royal charter* granted to William Penn by King Charles the Second; and, thirdly, from the *charter of privileges* granted by the said William Penn as proprietary and governor, in virtue of the former, to the freemen of the said province and territories; being the last of *four* at several periods issued by the same authority.

The birthright of every British subject is, to have a property of his own, in his estate, person, and reputation; subject only to laws enacted by his own concurrence, either in person or by his representatives; and which birthright accompanies him wheresoever he wanders or rests; so long as he is within the pale of the British dominions, and is true to his allegiance.

The royal charter was granted to William Penn in the beginning of the year 1681. A most alarming period! the nation being in a strong ferment; and the court forming an arbitrary plan, which, under the countenance of a small standing army, they began the same year to carry into execution, by cajoling some corporations, and forcing others by *quo-warrantos* to surrender their *charters;* so that, by the abuse of law,

the disuse of Parliaments, and the terror of power, the kingdom became in effect the prey of will and pleasure.

The charter governments of America had, before this, afforded a place of refuge to the persecuted and miserable; and, as if to enlarge the field of liberty abroad, which had been so sacrilegiously contracted at home, Pennsylvania even *then* was made a new *asylum*, where all who wished or desired to be free might be so for ever.

The basis of the grant expressed in the preamble, was, the merits and services of Admiral Penn, and the commendable desire of his son to enlarge the British Empire, to promote such useful commodities as might be of benefit to it, and to civilize the savage inhabitants.

In the third section, which constitutes the said William Penn the true and absolute proprietary of the said province, there is a saving to the crown, of the faith and allegiance of the said William Penn, his heirs and assigns, and of all other proprietaries, tenants, and inhabitants of the said province, as also of the sovereignty thereof.

The fourth, professing to repose especial trust and confidence in the fidelity, wisdom, justice, and provident circumspection of the said Penn, grants to him and his heirs, and to his and their deputies, free, full, and absolute power, for the *good* and *happy* government of the said country, to ordain, make, and enact, and, under his or their seals, to publish any laws whatsoever, for the raising of money for public uses of the said province, or for any other end appertaining either unto the public state, peace, or safety of the said country, or unto the private utility of particular persons, according to their *best discretion;* by and with the advice, assent, and approbation of the freemen of

the said country, or the greater part of them, or of their delegates and deputies, to be assembled in such sort and form, as to him and them shall seem best, and as often as need shall require.

By the fifth, the said William Penn is empowered and authorized to erect courts of judicature, appoint judges, and administer justice in all forms, and carry all the laws so made as above, into execution, under the pains therein expressed; provided the said laws be consonant to reason, and not repugnant or contrary, but, as near as conveniently may be, agreeable to the laws and statutes and *rights* of England; with a saving to the crown in case of appeals;—for this reason doubtless, that, in case any act of injustice or oppression was committed, the party injured might be sure of redress.

By the sixth, which presumes, that, in the government of so great a country, sudden accidents might happen, which would require a remedy *before* the *freeholders* or their delegates could be assembled to the making of laws, the said William Penn, and his heirs, by themselves or their magistrates duly ordained, are empowered to make and constitute fit and wholesome ordinances, from time to time, as well for the preservation of the peace, as for the better government of the inhabitants, under the same proviso as that above, regarding the laws, and so as that the said ordinances be not extended in any sort to bind, change, or take away the right or interest of any person or persons, for or in their life, members, freehold, goods, or chattels.

And to the end, that neither the said William Penn or his heirs, or other the planters, owners, or inhabitants of the said province, may, by misconstruction of the power aforesaid, through inadvertency or design, depart from their faith and allegiance to the crown, the

seventh section provides, that a transcript or duplicate of all laws, so made and published as aforesaid, shall, within five years after the making thereof, be transmitted and delivered to the Privy Council for the time being; and if declared by the King in Council inconsistent with the sovereignty or lawful prerogative of the crown, or contrary to the faith and allegiance due to the *legal government* of this realm, shall be adjudged void.

The said William Penn is also obliged to have an attorney, or agent, to be his resident representative, at some known place in London, who is to be answerable to the crown for any misdemeanor committed, or wilful default or neglect permitted, by the said Penn against the laws of trade and navigation; and to defray the damages in his Majesty's courts ascertained; and, in case of failure, the government to be resumed and retained till payment has been made; without any prejudice however in any respect to the landholders or inhabitants, who are not to be affected or molested thereby.

His Majesty moreover covenants and grants to and with the said William Penn, in the twentieth section, for himself, his heirs and successors, at no time thereafter to impose or levy any tax on the inhabitants in any shape, unless the same be with the consent of the proprietary or chief governor, or Assembly, or by act of Parliament in England.

On pain of his highest displeasure, he also commands all his officers and ministers, that they do not presume at any time to attempt any thing to the contrary of the premises, nor that they do in any sort withstand the same; and, on the contrary, enjoins them to be at all times aiding and assisting, as was fitting, to the said William Penn and his heirs, and unto the

inhabitants and merchants of the province aforesaid, their servants, ministers, factors, and assigns, in the full use and fruition of the benefit of the said charter.

And in the last place, a provision is made, by the King's special will, ordinance, and command, that, in case any doubt or question should thereafter perchance arise, concerning the true sense or meaning of any word, clause, or sentence contained therein, such interpretation should be made thereof and allowed in any of his Majesty's courts, as should be adjudged most advantageous and favorable to the said William Penn, his heirs and assigns; provided always, that no interpretation be admitted thereof, by which the allegiance due to the crown may suffer any prejudice or diminution.

The whole consists of twenty-three sections; of which it is presumed, these are the most material. They are penned with all the appearance of candor and simplicity imaginable; so that, if craft had any thing to do with them, never was craft better hid. As little is left as possible to future instructions, and nowhere is there to be found the shadow of a pretence, that such instructions should be laws. All is equally agreeable to law and reason, the claims of the crown, and the rights of the subject; nor, indeed, would the grant have been valid if it had been otherwise. The words *legal government* are words of great significancy. No command of the King's is a legal command, unless consonant to law, and authenticated by one of his seals;—the forms of office in such case providing, that nothing illegal shall be carried into execution; and the officer himself being responsible to the laws in case of yielding a criminal obedience.

It would therefore be a waste of words to show, that the crown is limited in all acts and grants by the

fundamentals of the constitution; and that, as it cannot alienate any one limb or joint of the state, so neither, on the other, can it establish any colony upon, or contract it within a narrower scale, than the subject is entitled to by the Great Charter of England.

But if it is remarkable, that such an instrument as this should be the growth of an arbitrary court, it is equally so, that the King's brother, James, Duke of York, (afterwards the most unhappy of kings) was, at the rebound, a party in it; for it seems, the right to all that tract of land now called the territories of Pennsylvania was, by a prior grant, vested in him; and, in August, 1682, he assigned it by his deeds of feoffment to the said William Penn.

It may also be inferred, that the said William Penn had been as diligent in collecting a number of proper adventurers together, as in obtaining the necessary authorities from the crown; for, in the interval between the charter and the grant, he made use of the provisional powers given him by the sixth section of the former, to pass his first deed of settlement under the title of "Certain conditions, or concessions, agreed upon by William Penn, proprietary and governor of Pennsylvania, and those who are the adventurers and purchasers in the same province."

This, however, contains only rules of settlement, and of trade with, and treatment of the Indians, &c., with the addition of some general injunctions for preserving of order and keeping the peace, agreeable to the customs, usages, and laws of England.

In the next year following, Mr. Penn printed and published a system of government, under the following title, to wit, "The Frame of the Government of the Province of Pennsylvania, in America; together with certain laws agreed upon in England, by the governor

and divers freemen of the aforesaid province. To be farther explained and confirmed *there* by the first provincial council, *if they see meet.*"

At the head of this Frame, or system, is a short preliminary discourse, part of which serves to give us a more lively idea of Mr. Penn's preaching in Gracechurch Street, than we derive from Raphael's Cartoon of Paul preaching at Athens; as a man of conscience he sets out; as a man of reason he proceeds; and as a man of the world he offers the most plausible conditions to *all*, to the end that he might gain *some.*

Two paragraphs of this discourse, the people of Pennsylvania ought to have for ever before their eyes; to wit; 1. "Any government is free to the people (whatever be the frame), where the laws rule and the people are a party to those laws; and more than this is tyranny, obligarchy, or confusion." 2. "To support power in reverence with the people, and to secure the people from the abuse of power, that they may be free by their just obedience, and the magistrates honorable for their just administration, are the great ends of all government."

This frame consisted of twenty-four articles, and savored very strongly of Harrington and his *Oceana.* In the governor and freemen of the province, in the form of a provincial council (always in being and yet always changing), and general assembly, the government was placed. By them conjunctively all laws were to be made, all officers appointed, and all public affairs transacted. Seventy-two was the number this council was to consist of; they were to be chosen by the freemen; and, though the governor or his deputy was to be perpetual president, he had but a treble vote. One third of them was, at the first, to be chosen for three years, one third for two years, and one third

for one year; in such manner that there should be an annual succession of twenty-four new members, &c. The General Assembly was at first to consist of all the freemen, afterwards of two hundred, and never was to exceed five hundred.

The laws agreed upon in England were in all forty; partly political, partly moral, and partly economical. They are of the nature of an original compact between the proprietary and the freemen, and as such were reciprocally received and executed.

But in the following year, the scene of action being shifted from the mother country to the colony, the deportment of the legislator was shifted too. Less of the man of God now appeared, and more of the man of the world.

One point he had already carried against the inclination of his followers; namely, the reservation of quit-rents, which they had remonstrated against as a burden in itself, and, added to the purchase-money, was without precedent in any other colony; but, he artfully distinguishing the two capacities of proprietary and governor, and insinuating that government must be supported with splendor and dignity, and that by this expedient they would be exempt from other taxes, the bait took, and the point was carried.

To unite the subtlety of the serpent with the innocence of the dove is not so easily done as said. Having in this instance experienced the weight of his credit and the power of his persuasion, he was no sooner landed, than he formed a double scheme for uniting the province with the territory, though it does not appear he was properly authorized so to do, and to substitute another frame of government in lieu of the former; which, having answered the great purpose of inducement here at home [in England] for collecting

of subjects, he was now inclined to render somewhat more favorable to himself in point of government.

Of much artifice we find him accused (by the provincial Assembly of 1704, in a representation addressed to himself,) in the whole course of this proceeding; whether justly or not let the world determine.

They tell him, for example, in so many words, "That we find by the minutes of the Assembly and other papers, as well as living witnesses, that, soon after thy first arrival here, thou, having obtained the Duke's grant for the *Three Lower Counties* [the *territory* that is to say] prevailed with the people of the province to unite in legislation and government with them of the lower counties; and then, by a subtle contrivance and artifice, laid deeper than the capacities of some could fathom, or the circumstances of many could admit them time then to consider of, a way was found out to lay aside that, and introduce another charter, which thou completed in the year 1683."

At a place called Chester, in December, 1682, the freemen both of the province and territory were convened; but those of the province, having by election returned twelve persons to serve for each county as members of the provincial council, were induced to accompany that return with significations and petitions by their sheriffs, &c., importing that, because of the fewness of the people, their inability in estate, and their unskilfulness in matters of government, their desire was, that the twelve, so returned for each county, might serve both for provincial council and general assembly; that is to say, three of each twelve for members of council, and the remaining nine for assemblymen; with the same powers and privileges granted by the charter or frame of government to the whole. And, according to these significations and petitions of theirs,

an act of settlement was drawn up and passed, in which, after the said charter or frame has been artfully mentioned as one of those *probationary* laws, which by the council and assembly might be altered at pleasure, the model of the said council and assembly so reduced is admitted; the persons so returned are declared and enacted to be the legal council and assembly; the number of the said council is fixed at three persons out of each county for the time to come; the number of assembly-men for each is reduced to six; and, after a variety of farther regulations, the said charter or frame is solemnly recognised and accepted; as if with these alterations and amendments it was understood to be complete.

The act for uniting the province and the territory humbly *besought*, as it is therein specified, by the deputies of the said territory, was also passed at the same time and place; in virtue of which all the benefits and advantages before granted to the provincials, were equally communicated to both; and both from that time were to be as one people under one and the same government.

Of this act, however, the provincial assembly of 1704, in the representation to their proprietary before cited, complain in the terms following;

"And as to the conveniency of the union of the Province and Lower Counties, we cannot gainsay it, if the King had granted thee the government as the Duke had done the soil; but, to our great grief and trouble, we cannot find that thou had any such grant; and if thou had, thou would not produce it, though often requested so to do; therefore we take it the harder that thou, who knew how precarious thy power was to govern the lower counties, should bring thy province into such a state and condition, that when-

ever the crown had assumed that government, or the people there revolted, or refused to act with us in legislation, as they often did, that then the said second charter should become impracticable, and the privileges thereby granted of no effect to the province, because the representatives of the lower counties were equal in number with those of the province, and the charter required a greater number than the province had, or by charter could elect for members of council and assembly; and our numbers, by the charter, could not be increased without the revolters' consent."

In the interval between this session at Chester, in December, 1682, and the next at Philadelphia in March and April, 1683, Mr. Penn, notwithstanding the act of settlement, furnished himself with another *frame*, in part conformable to the first, in part modified according to the said act; and in part essentially different from both; and concerning this, again, the assembly of 1704, in their representation aforesaid, thus freely expostulate with the proprietary; to wit,

"The motives which we find upon record, inducing the people to accept of that second charter, were chiefly two, viz. that the number of representatives would prove burdensome to the country; and the other was, that, in regard thou had but a *treble vote*, the people, through their unskilfulness in the laws of trade and navigation, might pass some laws over thy head repugnant thereunto, which might occasion the forfeiture of the King's letters patent, by which this country was granted to thee; and wherein is a clause for that purpose, which we find much relied upon, and frequently read or urged in the assembly of that time; and security demanded by thee from the people on that account." "As to the first motive, we know that the number of representatives might have been very well

reduced without a new charter; and, as to the laws of trade, we cannot conceive that a people so fond of thyself for [their] governor, and who saw much with thy eyes in those affairs, should, against thy advice and cautions, make laws repugnant to those of trade, and so bring trouble and disappointment upon themselves, by being a means of suspending thy administration; the influence whereof, and hopes of thy continuance therein, induced them, as we charitably conclude, to embark with thee in that great and weighty affair, more than the honor due to persons in those stations, or any sinister ends destructive to the constitution they acted by. Therefore we see no just cause thou had to insist on such security, or to have a negative upon bills to be passed into laws in general assemblies, since thou had by the said charter (pursuant to the authority and direction of the King's letters patent aforesaid) formed those assemblies, and, thereupon reserved but a treble vote in the provincial council, which could not be more injurious to thee than to the people, for the reasons aforesaid."

And again, afterwards;

"Thus was the first charter laid aside, contrary to the tenor thereof, and true intent of the first adventurers; and the second charter introduced and accepted by the General Assembly held at Philadelphia, in the first and second months, 1683, where thou solemnly testified, that what was inserted in that charter was solely intended by thee for the good and benefit of the freemen of the province, and prosecuted with much earnestness in thy spirit towards God at the time of its composure."

In less than three years after Mr. Penn's arrival in the province, and when it *began* to wear a thriving face, a dispute between Lord Baltimore, proprietary of

Maryland, and him, furnished him with a pretence to return to England; leaving the government to be administered by five commissioners of state, taken out of the provincial council, the remainder of that council, and the general assembly.

James the Second was now on the throne. Mr. Penn was attached to him closely by obligations, if not by principles; that Prince's impolitic plan of restoring the Roman ritual by universal toleration, seems to have been almost inspired by him; in the King's dispute with the fellows of Magdalen College, Mr. Penn was an active instrument on his Majesty's behalf, not without some injurious imputations to himself; and, for some years after the revolution, had the misfortune to lie under the suspicions and the frowns of the government.

His nursling colony was yet in the cradle, while it was thus deserted; consequently stood in need of all expedients to facilitate its growth, and all preservatives against disorders.

Disorders it actually fell into, which are still to be traced in the minutes of their assemblies; one More, in particular, we find impeached by the assembly before the provincial council, of misdemeanor in ten several articles, and, in a letter to the proprietary, signed by John White, speaker, represented as an *aspiring and corrupt minister of state.*

We find the assembly and provincial council at variance about their respective powers and privileges; what is more extraordinary still, we find the proprietary, in 1686, requiring and enjoining his said commissioners to dissolve the frame of government by his late charter constituted; and, they not being able to carry this point, we find, in December, 1688, a deputy-governor appointed, Captain John Blackwell, who,

like a practised man, set out with endeavouring to sow dissensions among the freemen, and by making such a display of the proprietary power as might awe the majority into proprietary measures.

Thus John White, the former speaker, who signed the letter from the assembly to Mr. Penn, concerning the misdemeanors of More, was no sooner returned for the county of Newcastle, than he was thrown into prison, and by violence wrested out of the hands of the assembly, after he had been brought up to Philadelphia by *habeas corpus*. The said governor also, finding that the said assembly was not of the proprietary complexion, and that they were disposed to open the session with a discussion of grievances, found pretences for several days to evade giving them audience, all either frivolous or groundless; and, in the mean time, left no stone unturned to temper the council to his own mind, and then, by their concurrence, to make a suitable impression upon the assembly.

The assembly, however, not only retained their firmness, but also took care to leave the two following memorials of it in their minutes; to wit,

May 14th.—"That, whereas this assembly have attended here for several days, and have sent several messengers to the governor and council, appointed to confer with the members of assembly according to charter; and whereas the said messengers have given this House to understand, that they were answered by the governor, that there was not a full council to receive them; and, whereas this House being well assured, that there is, and has been for these two days last past, a competent number of members in town, ready to yield their attendance, yet several of the said members have not been hitherto permitted to sit in council, to the great detriment and grievance of the

country; therefore, we desire, that these grievances may be speedily redressed, and our liberties inviolably preserved."

May 15th. "That no person who is commissionated or appointed by the governor to receive the governor's fines, forfeitures, or revenues whatsoever, shall sit in judgment in any court of judicature within this government, in any matter or cause whatsoever, where a fine or forfeiture shall or may accrue to the governor."

On the last of these two days, and previous to the last of these votes, the governor at length favored them with the meeting desired; and thereat made a speech, in which are the following remarkable paragraphs; viz.

"I suppose you have been formerly acquainted with the reasons and necessity of the proprietary's absenting himself so long from you as till the late revolutions in England; he hath frequently evidenced his strong desire above all things to be restored to you; what hath hindered of late, we have from the divers reports of things transacted in England, which require we should wait for their being rendered more certain; and, in the mean time, strive in our prayers, that the Lord, who governs this universe, will do it in his wisdom and good will, towards all his suffering people, and ourselves in particular.

"I suppose, Gentlemen, you expected some bills should have been sent down to you from the provincial council, for your consideration, before your coming up and passing them into laws at this meeting. Divers reasons might be why none were; I shall acquaint you with some of them; viz.

"1. The honorable proprietary, for reasons known to himself, hath given positive directions for letting all the laws drop or fall, except the fundamentals, and afterwards for calling together the legislative authority,

to pass such of them, or others, as they should see fit for the future; which is my full intention to do.

"2. The honorable proprietary, being by his patent from the King, authorized by himself, his heirs, &c., with consent of the freemen, to make, and under his seal to publish, necessary laws for the good of the people; which had never been done with all requisite circumstances, whilst himself was here; and without which I must doubt whether what were passed, or should hereafter be passed, have that due sanction or establishment which laws require; and finding the great seal, under which they should pass, was not to be had, the keeper thereof refusing to allow the use of it in any cases by my direction, I therefore looked upon it as labor in vain to attempt it.

"3. The present posture and alteration of affairs in England; the uncertainty touching the condition of the proprietary himself, and his power; and the fears of what dangers might ensue, as well to him as ourselves, in passing and confirming laws of such a nature, as would have been approved of in this conjuncture of affairs, forbade it.

"4. The animosities and dissensions which were here amongst you before I came, and have been lately revived amongst the members of the provincial council, by the endeavours of some, as to their proceedings in that service, hindered their agreement in council, as to doing any thing; insomuch as I was constrained, for love and peace sake, upon that and the other foregoing considerations, to dismiss them from further attendance on that account.

"5. An expedient occurred to me, of less danger to us all, viz. that I, being by my commission, as aforesaid, referred for my rule and instructions to the laws then in being, and which had been, as well by

the proprietary as people, approved and owned as such, whilst he was amongst you here, and observing that he had reserved the confirmation and disannulling of what laws should be made in his absence to himself; so that, if any were or should be proposed, they could not take effect among us as laws, till his pleasure should be therein declared; I came to a resolution within myself, of observing them in the course of my government, as so many rules and instructions given me by my master, as far as I should find and judge them not contrary to the laws of England, and of supplying the want or defect in your laws by the laws of England, which I believe will be most grateful to our superiors in England, especially at this time; and will be as useful among ourselves, there being no other way occurring to my understanding whereby you may receive the benefit of them; and in this purpose I am ready, unless you should otherwise advise, until, by better information out of England, we shall be led out of these state meanders."

The assembly answered, among other things, as follows; viz.

"We heartily wish that thy design in coming hither, with all imaginable respect to our governor and inhabitants here, may be pursued accordingly with suitable measures; and we cannot but have that opinion of our worthy governor's tender regard to the people here, that, as he will justify no unbecoming behaviour in us towards his representative, so we hope he will vindicate no unlawful or rigid procedure against us. As to our governor's absence, we are very sensible that, as it may be to his disappointment, so it is extremely to our prejudice. We were in expectation of receiving bills from thee and the council as formerly; to the reason thou art pleased to give why none

are sent, that the proprietary and governor hath given directions for letting all the laws drop or fall, we are credibly informed, that afterwards he was well pleased they should stand; and all the laws made here since his departure, were sent for his perusal, and none of them, to our knowledge, in the least declared void by him; neither do we conceive that he hath any reason so to do.

"As to the establishment of laws, we expected nor aimed at any higher sanction than was used in the governor's time; but, in case bills had been prepared and promulgated according to charter, and had passed by us into laws, and the great seal had been necessary, and the same duly required to be applied to the said laws, and the keeper refused the same, then we might justly blame such refusal; but, as to the way thou mentions, that our proprietary and governor is authorized by himself, and with consent of the freemen, to make laws, and under his seal to publish them, and not in the granted way of the charter and act of settlement; as we do not desire, so our hopes are, that no laws of that make will be imposed upon us; and, had we made laws at this time, as formerly, we question not but that they had been as inoffensive in the present conjuncture, as afore; and we do conceive, that our laws here, not being declared or adjudged by the King under his privy seal to be void, do remain and stand in full force, according to the true intent and meaning thereof.

"As for the charge of animosities and dissensions amongst us before thy coming here, it is so general, that we can make no other answer than that, in matters of government, our apprehensions were otherwise, the end of good government being answered, in that power was supported in reverence with the people,

and the people were secured from the abuse of power; but for what thou mentions to have been renewed since amongst the members of council, we leave them to answer.

"As to the expedient proposed, of thy governing this province and territories, by such of the laws as were made before our proprietary and governor went hence, which thou shalt judge not contrary to the laws of England, we conceive no such expedient can be consistent with our constitution, without the concurrence of the council, according to such methods as have been heretofore used in legislature; and what course of government is otherwise, will be ungrateful and uncertain to us; for how far the laws of England are to be our rules, is declared by the King's letters patent.

"As to thy assuring us thy just compliance with us, in what we may reasonably desire, we take it kindly, and do desire that our members of council may be permitted to sit, according to our former request."

The governor finding himself thus steadily opposed, had recourse to another piece of practice, which was to prevail on certain members to withdraw themselves from the House; the House, on the other hand, voted this to be a treachery, and farther prepared and presented the following request to the governor; viz.

"To the Governor and Council, sitting at Philadelphia, the twentieth day of the third month, 1689.

"We, the representatives of the freemen of Pennsylvania and territories thereof, in Assembly met, being much disappointed in our expectation in not finding any bills prepared and promulgated by you for a further concurrence; and perceiving three members duly elected to serve in council (in whose wisdom and faithfulness we much confide) too long kept out; and that a

member of our own is treated with great rigor and severity in the time of assembly, and not allowed to be with us, though most of us have known him to have been serviceable therein these several years; we (being under a strait in these considerations) do request your tender regard of our grievances already presented, and of our answer presented to the governor in council, to his speech delivered to us there. And we do desire you do not go to dismiss us until we are received and righted in our just complaints; and that we be not discouraged in charging before the provincial council such persons or members, whom we can with great probability make appear to be ill ministers and chief authors of the present arbitrariness in government; and who are men unworthy, as we conceive, to be much consulted with, and unfit to be chief magistrates. — What we purpose to do herein, shall be orderly, speedily, and within bounds."

It does not appear that this request met with any regard, or that the proprietary interest gained any ground in the assemblies held the two subsequent years; and, in the year 1693, the King and Queen assumed the government of the colony into their own hands; under what pretext, in virtue of what management, whether to gratify any displeasure conceived against Mr. Penn, or in concert with him, is not specified.

CHAPTER II.

The Government assumed into the Hands of the Crown in 1693, and administered by Colonel Fletcher, Governor of New York. He declares the Constitution of Penn's Government, and that of their Majesties, to be directly opposite each to the other. He menaces the Assembly with an Annexation of their Province to that of New York. Protestation against passing Bills. Remonstrance to Penn. The Governor admits the Principles of the Quakers, not to carry Arms or levy Money to make War. The Assembly insist on their Right to appropriate as well as to raise Money. The Government of William Markham. A new Act of Settlement or Frame of Government. The Government resumed by Penn. A new Model of Elections. The Assembly formed thereon dissolved. Another Assembly called upon another Model. Aids granted to the Proprietary Governor in Exchange for a Confirmation of Property. Penn's Speech to a new Assembly. Three of the Requisitions they made to him, with his Answers and their Replies. A Breach between the Province and the Territory. The last Charter of Privileges. It is unanimously rejected by the Freemen of the Territory. Penn's Departure for England. Andrew Hamilton, Deputy-Governor, in vain endeavours to re-unite the Territory with the Province.

Colonel Fletcher was appointed governor of New York and Pennsylvania by one and the same commission, with equal powers and prerogatives in both provinces; as if there was no such thing as a charter extant.

This commission of his was also accompanied with a letter from the Queen, countersigned *Nottingham*, requiring him, as governor of Pennsylvania, to send such aid or assistance, in men or otherwise, for the security of the province of New York against the attempts of the French and Indians, as the condition of the said colony would permit; as if the good will of the freemen was no longer worth mentioning.

To the assembly, however, this royal visitor thought fit to communicate both his commission and her Majes-

ty's said letter. But then it was an assembly widely different from that appointed by their charter. Instead of six members for each of the six counties, those of Philadelphia and Newcastle were reduced to four each, and the rest to three; difference sixteen; and, as an act of grace, his Excellency dispensed with the oaths of such as made it a point of conscience not to swear; and accepted a written profession and declaration of allegiance, before established in their stead. Whether so strange an innovation was openly and specially complained of or not, the assembly had nevertheless the spirit to open their session with the following resolution, which passed *nem. con.* "That the laws of this province, that were in force and practice before the arrival of this present governor, are still in force; and that the assembly have a right humbly to move the governor for a continuation or confirmation of the same."

They also interwove this vote of theirs in their address to him, and, not unartfully, introduced it under the umbrage of an insinuation, that the King and Queen had thought fit to appoint him to be their governor because of the absence of their proprietary; but derived no benefit from it; for the governor bluntly told them, "he was sorry to find their desires grounded upon so great mistakes;" adding these emphatical expressions, "The absence of the proprietary is the least cause mentioned in their Majesties' letters patent, for their Majesties asserting their undoubted right of governing their subjects in this province. There are reasons of greater moment; as the neglects and miscarriages in the late administration, the want of necessary defence against the enemy; the danger of [the province must be understood] being lost from the crown. The constitution of their Majesties' government and that of Mr. Penn's are in direct opposition one to the

other; if you will be tenacious in stickling for this, it is a plain demonstration, use what words you please, that indeed you decline the other."

The assembly again, not to be wanting in duty to the King and Queen, nor consistency to themselves, admitted their Majesties' right of government to be indubitable; but would not allow themselves to be under any mistake in relation to the proprietary's absence. "And to the other reasons rendered," said they in their remonstrance, "for the superseding our proprietary's governancy, we apprehend [they] are founded on misinformations; for the courts of justice were open in all counties in this government, and justice duly executed from the highest crimes of treason and murder to the determining the lowest difference about property, before the date or arrival of the governor's commission. Neither do we apprehend, that the province was in danger of being lost from the crown, although the government was in the hands of some whose principles are not for war; and we conceive, that the present governancy hath no direct opposition (with respect to the King's government here in general) to our proprietary's, William Penn, though the exercise of thy authority at present supersedes that of our said proprietary; nevertheless we readily own thee for our lawful governor, saving to ourselves, and those whom we represent, our and their just rights and privileges."

Proceeding then to business, they voted a supply; but inclined to have their laws confirmed and their grievances redressed first. Accordingly they sent up a committee of ten with the book of their laws to the governor, for his acceptance and ratification; and, after a long debate between him, assisted by five of his council, and them, which was terminated on his side somewhat equivocally, he sent two of the said council

to assure the House, in his name, of his confirmation of all the said laws (excepting one relating to shipwrecks) during the King's pleasure; for which they thought proper to return him a vote of thanks.

Nor is it much to be wondered at, that men, taken by surprise out of the hands of their *friend* the proprietary, and exposed at once to a wrestling-match with the crown, which they had never had any immediate transactions with before, should submit to hold their liberties by courtesy, rather than incur the least risk of not holding them at all.

There was, however, a party among them, who, having drawn up a petition of right, claiming and desiring the use and benefit of two hundred and three laws therein specified, as in all respects consonant to their charter, and none of them annulled by the crown in consequence of the power reserved to the sovereign, would hear of no abatement; and who had credit enough with the assembly to obtain the sending a message to the governor, signifying, "that it was the sense and expectation of the assembly, that aggrievances ought to be redressed before any bill of supply ought to pass."

And here their hearts failed them; for, the governor having returned the bill sent up with the message which he had proposed amendments to, without any specifications of what those amendments were to be, with the following answer, "that the Assembly should have no account of the amendments of the bill, till they came in a full House before him to give the last sanction to the laws," and further, "that he saw nothing would do but an annexion to New York," the menace carried the supply.

When the bill for granting it was however sent up, they not only sent up the roll of their laws with it,

but also gave that part of their order the first place in their books.

They further "Resolved, *nem. con.* that all bills, sent to the governor and council in order to be amended, ought to be returned to this House, to have their farther approbation upon such amendments, before they can have their final assent to pass into laws."

And though they did not join with their committee of ten in the following paper, they suffered it to be entered in their books, by way of protest on their behalf; to wit,

"We, whose names are hereunto subscribed, representatives of the freemen of this province in assembly, do declare, it is the undoubted right of this House to receive back from the governor and council all such bills as are sent up for their approbation or amendments; and that it is as necessary to know the amendments, and debate the same, as the body of the bills; and that the denial of that right is destructive to the freedom of making laws. And we also declare, it is the right of the assembly, that, before any bill for supplies be presented for the last sanction of a law, aggrievances ought to be redressed, Therefore, we, with protestation (saving our just rights in assembly) do declare, that the assent of such of us, as were for sending up the bill this morning, was merely in consideration of the governor's speedy departure, but that it should not be drawn into example or precedent for the future. DAVID LLOYD," &c.

And concerning this whole period, we find the freemen in assembly met, for the year 1704, thus farther expostulating with their proprietary, in the remonstrance already more than once referred to; to wit, "But what thou and they (the five commissioners of state) could not effect in that behalf, was performed by Colonel

Fletcher in the year 1693, and then we were brought under the immediate direction of the crown, but with commands for him to govern us by the laws of the country; and although both the laws and charter had been long before transmitted to thee, in order to get the late King's (James) approbation thereof, which we insisted upon, and urged that they were laws till disapproved, yet, thou having sent no account whether they were approved or not, we were forced to comply with him, and accept of such as he pleased; but the charter he totally rejected."

Before he set out for New York, he did, however, give a written sanction to the laws required; and the next year's assembly proved, notwithstanding, to be of the same leaven with the last.

This assembly had been summoned by the writs of the Lieutenant-Governor (Markham), and, when met in a humor to state and redress the grievances of the colony, found themselves precluded from acting, by an order from Fletcher for their adjournment.

That, therefore, they might make the most of two days, they appointed a committee of grievances; and having received their report, agreed upon a remonstrance to the governor thereon, containing a complaint of their being sent for only to be dismissed; asserting the right of the House to adjourn themselves, and, among several other particulars, calling upon the governor so to exert his power and authority, that cases determined by juries might not be unduly avoided by determinations in equity; that, to prevent arbitrary assessments and the dissatisfaction they gave rise to, the justices of the peace might consult with, and be directed by the approbation of the several grand juries; and that the money raised by the last assembly might

be properly applied and properly accounted for to the present at their next sitting.

Their right of adjourning themselves having been admitted, they met accordingly towards the end of the next month. Governor Fletcher was by this time returned to them in person; and, in the opening of his speech, made them a handsome apology for not meeting them before; urging the necessity of a sudden journey to Albany, to endeavour at reclaiming the Five Nations of Indians, hitherto the allies of England, but now confederated with the governor of Canada against us; said he had brought the papers which passed at the conference along with him, for their satisfaction; that their Indians would be next forced into the same fatal confederacy; that he had seen with his eyes a large tract of cultivated land about Albany, which had been abandoned by the inhabitants, rather through the unkindness of their neighbours in refusing them assistance, than by the force of the enemy; prayed, that those, who shut their eyes against a distant danger, might not find it at their own doors; extolled the two provinces of Jersey for the aids they had sent; and concluded thus; "Gentlemen, I consider your principles, that you will not carry arms, nor levy money to make war, though for your own defence; yet I hope you will not refuse to feed the hungry and clothe the naked; my meaning is to supply those Indian nations with such necessaries as may influence them to a continuance of their friendship to these provinces. And now, Gentlemen, if you will consider wherein I may be useful to you, according to the tenor of my commission, in redressing your grievances, if you have any, you shall find me ready to act by the rules of loyalty, with a true regard to liberty and property."

What appears to have been most remarkable in this

session was a dispute between the governor and the House about a money bill; he alleging it was inconsistent with his trust to pass the bill, because they had named collectors therein, which seemed to derogate from the confidence reposed in the King's officer appointed to collect the last tax, and insisting upon some answer to the Queen's letter, before he came to a final resolution concerning it; and they at once adhering to their bill, and desiring it might not be rejected on the first of those accounts; since they could not but assert their undoubted right to appropriate as well as raise money, agreeably to the privileges heretofore granted them, the practice in England, as well as in that and also in some of the neighbouring colonies; and that, as to the receiver, when their appropriations had been answered, he was to dispose of the remainder, as the governor and council should order.

The governor still pressed for their answer to her Majesty, instead of giving them the satisfaction desired; and, the said answer proving to be a remonstrance, he dissolved them.

Of the next sessions the accounts are extremely imperfect. We find, indeed, by a course of minutes, that a joint committee of the council, at the requisition of the governor, had several meetings, to consider of the Queen's letter, the governor's demands thereon in his speech, and an act of settlement; that an answer to his speech was drawn up and sent to the governor, together with an act of settlement; that the messengers, on their return, reported, they had delivered both, and were told the governor and council had no farther business at present; and that after several adjournments, being met in committee, and in high debate, their attendance was required by the governor, in order to dissolve them.

That the demands made upon them, in virtue of the Queen's letter, were the subject of these debates, is more than probable; and if so, it will follow, that their want of will or power to comply with them was the cause of their dissolution.

In the year 1696, being the next year following, Markham, once the proprietary's secretary and clerk of the council, and of late lieutenant-governor, summoned the next assembly, as lieutenant to the proprietary now reinstated in the government; and, at their meeting, recommended Governor Fletcher's speech at the opening of the New York Assembly, thereby to excite the charity of Pennsylvania, in relieving the poor Indians, whose corn and provisions had been destroyed by the French; and the sense of the House upon it was, by way of message, thus communicated.

"Whereas the governor has been pleased to convene us, by his writs, although not in the form* of our charter, as we could desire, we have obeyed the same, and considered what he has laid before us, viz. an answer to the late Queen's letter, and our proprietary's promise upon his restoration to his government; and are heartily and unanimously willing and ready to perform our duty therein, so far as in us lies, if the governor would be pleased to settle us in our former constitutions, enjoyed by us before this government was committed to Governor Fletcher's trust.'

This was followed, on the governor's part, with a demand of money as before for the relief of the Indians; and, the assembly choosing to take care of the provincial constitution first, required the governor to appoint a committee of the council to join with a committee of the assembly for that purpose. Such a joint

* They had been issued upon Fletcher's plan before specified.

committee was appointed accordingly, who agreed in recommending this expedient; "that the governor, at the request of the assembly, would be pleased to pass an act [of settlement must be understood,] with a salvo to the proprietary and people; and that he would also issue out his writs for choosing a full number of representatives on the 10th of March next ensuing, to serve in provincial council and assembly according to charter, until the proprietary's pleasure should be known therein; and that if the proprietary should disapprove the same, then the said act should be void, and no ways prejudicial to him or the people in relation to the validity or invalidity of the said charter."

To this expedient the House unanimously agreed. A bill of settlement and a money bill were thereupon ordered and prepared; and, after some temperament, reported, agreed to, and passed.

The money bill was for raising three hundred pounds for support of government, and relieving the distressed Indians.

In the act of settlement, the rotation principle was wholly dropped. Elections both of council and assembly were to be annual and certain; the time of election, March the 10th; the time of sitting, May the 10th; the members of council for each county, two, for the assembly, four; they were to be of the most note for virtue, wisdom, and ability, and otherwise qualified in point of fortune and residency. In the governor or his deputy, and the said assembly and council, the government was placed. The governor or his deputy was to preside in council; but at no time perform any act of state whatsoever, but by and with the advice and consent of the council, or a majority thereof; that two thirds were to be a quorum in the upper walk of business, and one third in the lower; that the assembly

should have power to propose bills as well as the council; that both might confer on such as either of them should propose; that such as the governor in council gave his consent to should be laws; that the style of those laws should be, "By the governor, with the assent and the approbation of the freemen in general assembly met;" that duplicates thereof should be transmitted to the King's council, according to the late King's patent; that the assembly should sit on their own adjournments and committees, and continue to prepare and propose bills, redress grievances, impeach criminals, &c., till dismissed by the governor and council; and to remain during the year liable to serve upon his and their summons; should be allowed wages and travelling charges; two thirds to make a quorum; all questions to be decided by a majority; affirmations to be admitted in all courts, &c., instead of oaths, where required; all persons in possession of lands by purchase or otherwise under any legal or equitable claim, so to continue; sheriffs and their substitutes to give security for office behaviour; elections were to be free, regular, incorrupt, &c., no member being permitted to serve without wages, or for less wages than by this act appointed, &c. Neither the form nor effect of this act was to be diminished or altered in any part or clause thereof, contrary to the true intent or meaning thereof, without the consent of the governor, and six parts in seven of the freemen in council and assembly met. It was to continue and be in force till the proprietary should, by some instrument under his hand and seal, signify his pleasure to the contrary; and it was provided, that neither this act nor any other should preclude or debar the inhabitants of this province and territories from claiming, having, and enjoying any of the rights, privileges, and immunities, which the said proprietary,

for himself, his heirs and assigns, did formerly grant, or which of right did belong unto them the said inhabitants by virtue of any law, charter, or grant whatsoever, any thing therein contained to the contrary notwithstanding.

A new application from Governor Fletcher for further assistance, and the report of a committee of the assembly to whom it was referred (urging the infancy, poverty, and incumbered state of the colony in excuse for non-compliance), together with an act for ratifying and confirming the acts and proceedings of the last year's assembly by some persons questioned and misrepresented, are all the remains of what passed in the assembly of 1697.

Nor does any thing material occur in the years 1698, 1699, till the arrival of the proprietary from England.

January 25th, 1699 – 1700, the assembly, being convened for the second time, was told by the proprietary in person, that he had so convened them chiefly to reinforce the former laws, or by a new law more rigorously to discourage piracy and forbidden trade; misdemeanors which he said had exposed the government to much odium at home, which he had been much pressed by his superiors to correct, and which he, therefore, pressed most *concernedly* upon them.

Both these points were immediately referred to the consideration of two several committees; and, one of their own members, son-in-law of their late lieutenant-governor Markham, proving to be the most obnoxious person on the first of these accounts, they proceeded so far as to commit him, till satisfied by the governor that he had given sufficient security for his appearance to answer what complaints should be brought against him.

They also took care to purge themselves on the head

of forbidden or illicit trade, which appears to have been done in so effectual a manner, that the governor himself could not avoid coöperating with the council in their justification. To prove which, his answer to their several addresses (concerning a fit person to be provincial treasurer; cautions to avoid confusion in the next election, which was to be on a new model, as also the expediency of the advice and consent of the council and assembly thereon; and *false information* sent to England against them) here inserted, will be sufficient; to wit,

"First, as to the receiver or treasurer, that he would consider of it, and would take care to please all by his choice of a fit person; as to their address to avoid confusion in the next election, that he consented to the request of the House, and ordered, by general consent of council and assembly, minutes to be made in both; that, at the next election, three should be chosen for council in each county, and six for assembly, the election to be on the usual day, but reserving to himself the specification of the term the former were to serve for, which was to be expressed in the writ; and that, as to the other point of *false information* sent against the colony to England, the unseasonable time of the year would not suffer the merits of the case to be thoroughly discussed, but that all the representatives, both of council and assembly, had agreed in drawing up some general defence for the present."

And before their separation it was drawn up and presented to the governor accordingly.

The next general assembly met at the usual time, and was in every respect an extraordinary one; extraordinary for the number of members superadded in the manner just recited; extraordinary for an occasional law they passed at the instance of the governor

and council to prolong the present sessions beyond the time limited by charter; and extraordinary for the debates concerning another new frame of government, which continued through the whole course of it, without producing any satisfactory temperament at last.

Found intractable, after a month's practice, they were dissolved; and, in October following, a new assembly was summoned; not as before to consist of thirty-six members, but of twenty-four, that is to say, four instead of six for each county.

The place of meeting was also different; for, instead of assembling as usual at Philadelphia, the members were convened at Newcastle, perhaps only to gratify the inhabitants of the Territories, at a time when extraordinary demands were to be made upon them for the gratification of the proprietary governor.

At the opening of this assembly, the governor said, he had called them upon urgent occasions; that they were in want of a frame of government, a body of laws, a settlement of property, and a supply for the support of government; adding, that he would give them all the assistance in his power.

With the body of laws they began, and made a considerable progress in the work; but the frame of government again met with as many difficulties as before. The conditions of union between the Province and the Territories, in particular, had like to have produced an immediate separation; and the dispute which arose concerning equal privileges or equal voices in the representative, could be no otherwise compromised than by referring the issue to the next general assembly.

The points, which more immediately concerned both branches of the legislature, were the settlement of property and the supply. In the latter the governor himself was deeply interested, and almost every

landholder of the colony in the former. These, therefore, were to be first despatched; and, accordingly, a bill for the effectual establishment and confirmation of the freeholders of both parts of the united colony, their heirs and assigns, in their lands and tenements; together with two others, one for raising of one penny per pound, and six shillings per head, for support of government, &c., and one for granting and raising to the proprietary and governor two thousand pounds, upon the real value of estates real and personal, and another six shilling poll-tax; of which more than a moiety was paid by the county of Philadelphia alone. Nor ought it to be forgotten, that in the preceding session four pence in the pound and twenty-four shillings per head had been demanded for these services; and that, as they paid by halves, the proprietary performed by halves; as the mention hereafter made of his charter of property will demonstrate.

The same assembly being again convened in August at Philadelphia, in consequence of a letter from his Majesty, requiring an aid of three hundred and fifty pounds sterling towards the fortifications to be raised on the frontiers of New York, they excused themselves from complying, urging that the great sums lately assessed upon the colony by way of impost and taxes, over and above the arrears of quit-rents, had rendered them incapable; and these excuses were readily admitted by the government, so that the proprietary interest in this instance undeniably supplanted the royal, and private interest public service.

In September, 1701, the proprietary convened another assembly, consisting of four members for each of the six counties, agreeable to the law, for ascertaining the number of members, lately passed at Newcastle; and though he had in the last evaded giving

a copy of his speech in writing to the House, as not being his usual way, went out of his way for this once to do it now.

Some apology he made for calling them together a month sooner than they would have met of course; assigned as a reason the necessity he was under, through the endeavours of the enemies to the prosperity of the colony, to go for England, where, taking the advantage of his absence, some had attempted to undermine his government; talked as if the voyage was disagreeable to him, as if the quiet of a wilderness was all his ambition, as if his purpose had been to stay with them always, or at least till he could render every body safe and easy; said his heart was with them, whatever some people might please to think; that no unkindness or disappointment should, with submission to God's providence, ever be able to alter his love to the country, and his resolution to return and settle his family and posterity in it, &c. "Think, therefore," continued he in the most captivating style and manner that ever was made use of, "since all men are mortal, of some suitable expedient and provision for your safety as well in your privileges as property, and you will find me ready to comply with whatsoever may render us happy by a nearer union of our interests. Review again your laws; propose new ones that may better your circumstances; and what you do, do it quickly; remembering that the Parliament sits the end of the next month, and that the sooner I am there, the safer I hope we shall all be here."

He then returned to the three hundred and fifty pounds sterling, demanded by the King; imparted to them the happy issue of Colonel Fletcher's conferences with the Five Nations; and again recommended unanimity and despatch, since it might contribute to the

disappointment of those, who had long sought the ruin of their young country.

The assembly returned a short but affectionate and respectful answer, after which they presented an address to him, consisting of twenty-one articles; the first desiring, that, on his departure for England, due care be taken, he might be represented there by persons of integrity and considerable known estates, who might have full power and authority, not only to grant and confirm lands, &c., but to compensate *short* and resume *over measure*; the second, that he would grant them such an instrument, as might absolutely secure and defend the freemen of the province, by them represented, in their estates and properties, from himself, his heirs, and assigns for ever, or any claiming under him, them, or any of them, as also to clear all Indian purchases and others; and the last, that the bill of property, passed at Newcastle, might be inserted in the charter, with such amendments as should be agreed on.

To each of the whole twenty-one he returned a special answer; and to the three recited, those that follow. "To the first; I shall appoint those in whom I can confide, whose powers shall be *sufficient* and *public* for the security of all concerned, and I hope they shall be of honest character without just exception, to do that which is right between you and me. [It is strange the crown should not be so much as mentioned.] To the second; much of it is included in my answer to the first; however, I am willing to execute a public instrument or charter to secure you in your properties, according to purchase and the law of property made lately at Newcastle, excepting some corrections and amendments absolutely necessary therein. And to the last; I agree that the law of property made at

Newcastle shall be inserted in the charter with requisite amendments."

How short these expressions fell of his speech is obvious; nor is it any honor to himself or his laws, that the latter stood in need of so many amendments, and that the freemen found reason to think they could not take too many precautions to secure themselves against him.

To these answers of the governor, the assembly returned as many replies, most of them expressing their acceptance and acknowledgments; and the matter of the first, being at all times equally reasonable, deserves to be particularly remembered, to wit, "that the commissioners thou art pleased to promise, be invested with *full* and *complete power*, and be obliged by some clause in the commission to act without refusal or delay, according to the full and public powers thereof; and that it would please thee to nominate the persons to the assembly."

The governor, on the other hand, whether out of artifice or complaisance is hard to say, would have induced them to name his substitute themselves; but they as artificially or complaisantly excused themselves, saying they did not pretend to the knowledge necessary for such a nomination, and that they desired to leave it to the governor's pleasure.

While the charter of privileges was under consideration, the late breach between the members of the province and those of the territory was again opened, and soon grew wider than ever.

The territory men were for obtaining some powers or rights peculiarly favorable to themselves, which the others thinking unreasonable, were not willing to allow; and, not being able to carry their point, the members for the territory left the House.

The proprietary interposed his authority to bring about an accommodation, and for the present prevailed. But the same spirit of animosity still remained; and what with the hurry the governor was in to set sail, and what with the warm dispute which arose between him and the assembly concerning the allowance to be made to such as had defective measure in their hands, the remainder of a session, so plausibly opened, and in which the constitution was to be finally settled, was soured with expostulations and reproaches, even to the last moment of it; and the governor and his freemen at last parted like people who were equally glad, they had made so much of, and were now to be separated from, each other.

And thus the course of time has brought us to that frame or system, which, in subordination to the royal charter, is at present the rule of government in Pennsylvania.

In May, 1700, the former had been surrendered into the hands of the governor, by six parts in seven of the assembly, under the solemn promise of restitution, with such alterations and amendments as should be found necessary.

On the 28th of October, 1701, when the governor was so near his departure that it might almost be said he had one foot on board, this promise was made good; the council, the assembly (the *provincial* part of it, that is to say), and several of the principal inhabitants of Philadelphia attending.

The Charter of Privileges granted by William Penn, Esquire, to the inhabitants of Pennsylvania and Territories, this important instrument is called; and the main purport of it is as follows, to wit; "that, because no people could be truly happy, though under the greatest enjoyment of civil liberties, if abridged of the freedom

of their consciences, as to their religious profession and worship, no inhabitant, confessing and acknowledging *one almighty God*, and professing himself obliged to live quiet under the civil government, should be in any case molested or prejudiced in person or estate; that all persons professing to believe in Jesus Christ the Saviour of the world, promising, when required, allegiance to the King, and taking certain attests by a certain provincial law provided, should be capable to serve the government either legislatively or executively; that an assembly should be yearly chosen by the freemen, to consist of four persons out of each county, of most note for virtue, wisdom, and ability; or of a greater number, if the governor and assembly should so agree, upon the first of October for ever, and should sit on the 14th following, with power to choose a speaker and other their officers, to be judges of the qualifications and elections of their own members, sit upon their own adjournments, appoint committees, prepare bills, impeach criminals, and redress grievances, with all other powers and privileges of an assembly, according to the rights of the freeborn subjects of England, and the customs observed in any of the King's plantations in America; that two thirds of the freemen so chosen should have the full power of the whole; that the said freemen in each respective county, at the time and place of meeting for electing representatives, might choose a double number of persons to present to the governor for sheriffs and coroners, to serve for three years, if so long they should behave themselves well, out of whom the governor was to nominate one for each office, provided his nomination was made the third day after presentment, otherwise the person first named to serve, and, in case of death or default, the governor to supply the vacancy; that three persons should be

nominated by the justices of the respective counties, out of whom the governor was to select one to serve for clerk of the peace, within ten days, or otherwise the place to be filled by the first so nominated; that the laws of the government should be in this style, to wit, '*By the governor, with the consent and approbation of the freemen in general assembly met;*' that all criminals should have the same privileges of witnesses and council as their prosecutors; that no person should be obliged to answer any complaint, matter, or thing whatsoever, relating to *property*, before the governor and council, or in any other place but in ordinary course of justice, unless in appeals according to law; that the estates of suicides should not be forfeited; that no act, law, or ordinance whatsoever should at any time hereafter be made or done to alter, change, or diminish the form or effect of this charter, or of any part or clause therein, according to the true intent and meaning thereof, without the consent of the governor for the time being, and six parts in seven of the assembly met; that the first article relating to liberty of conscience should be kept and remain without any alteration inviolably for ever; that the said William Penn, for himself, his heirs and assigns, did thereby solemnly declare, grant, and confirm, that neither he, his heirs, nor assigns should procure or do any thing or things whereby the liberties, in this charter contained and expressed, nor any part thereof, should be infringed or broken, and, that if any thing should be procured and done by any person or persons contrary thereto, it should be held of no force or effect."

Thus, though much remained of the first institution, much was taken away. The people had no longer the election of the council; consequently all who, for the future, were to serve in that capacity, were to be

nominated by the governor, consequently were to serve on what terms he pleased. Instead of having but three voices in seventy-two, he was left single in the executive, and at liberty to restrain the legislative by refusing his assent to their bills whenever he thought fit.

On the other hand, the assembly, who at first could not propound laws, though they might amend or reject them, were put in possession of that privilege; and, upon the whole, there was much more room for acknowledgments than complaints.

How much soever the governor had grown upon Mr. Penn, and how much soever his concern for others had worn off, when raised to a sphere above them, it is plain he had not forgotten his own trial, nor the noble commentary upon Magna Charta, which, in his tract, called "The People's Ancient and Just Liberties Asserted," he had upon that occasion made public, wherein he says;

"There were but two sorts of government; will and power, or condition and contract. That the first was a government of men, the second of laws. That universal reason was and ought to be, among rational beings, universal law; that, of laws, some were fundamental and immutable, some temporary, made for present convenience, and for convenience to be changed. That the fundamental laws of England were of all laws most abhorrent of will and pleasure; and, that till houses should stand without their own foundations, and Englishmen cease to be Englishmen, they could not be cancelled, nor the subjects deprived of the benefit of them."

Such as it was, by the freemen of the province it was thankfully accepted, but by those of the territory unanimously declined; and in this divided condition this new Lycurgus, as Montesquieu calls him, left them.

Andrew Hamilton, Esquire, (not the celebrated barrister of that name) was the person appointed to be his substitute; and the principal effort of his administration was to bring about a reunion, which being at length found impracticable (the territory men still persisting in their refusal of the charter), the province, in virtue of the charter, claimed a separate representative of their own, which, in point of number was fixed at eight members for each of the three counties, and two for the city of Philadelphia, now so constituted by the proprietary's special charter; and, after duly qualifying themselves according to law, their first resolution was,

"That the representatives or delegates of the freeholders of this province, according to the powers granted by the proprietary and governor by his charter, dated the eighth day of October, Anno Domini 1701, may meet in assembly on the fourteenth day of October, yearly, at Philadelphia, or elsewhere, as shall be appointed by the governor and council for the time being, and so continue on their own adjournments from time to time during the year of their service, as they shall find occasion, or think fit, for preparing of bills, debating thereon, and voting, in order to their being passed into laws; appointing committees, redressing of grievances, and impeaching of criminals, as they shall see meet, in as ample manner as any of the assemblies of this province and territories have hitherto at any time done, or might legally do; as effectually, to all intents and purposes, as any of the neighbouring governments under the crown of England have power to do, according to the rights and privileges of the freeborn subjects of England, keeping to the rules and prescriptions of the Parliament of England, as near as may be, respecting the infancy of the government and the capacities of the people; and that the said assem-

bly, as often as the governor for the time being shall require, attend on him in order to legislation, and to answer all other just ends of assemblies on any emergencies or reasons of state, but shall not be subject at any time to be by him adjourned, prorogued, or dissolved."

CHAPTER III.

John Evans succeeds Hamilton. Controversy between him and the Assembly. Nine several Heads of Complaint entered in the Minutes of the Assembly, as the Ground of a Representation to the Proprietary. The Remainder of that Representation. A Copy of it demanded by the Governor and refused by the Assembly. The Governor censures the Proprietary's Charter of Property. The Draftsman's Defence of it. The Governor declares the Proprietary's high Resentment of the Assembly's Representation. The Assembly's Reply. The Governor refers to the Charter of Privileges as the only Rule of Government. The Assembly complain of Infractions made in it. Their Representation to the Proprietary against the Governor. Logan impeached by the Assembly, and skreened by the Governor. A unanimous vote of thanks to the Proprietary for recalling Evans. General View of Gookin's Government. Assembly's Character of Themselves.

THIS was the state of things when John Evans, Esquire, appointed deputy-governor on the death of Mr. Hamilton, arrived in the province in the beginning of the year 1704.

What his commission and instructions were does not appear; but, having convened the representatives both of the province and territories, to meet him at the same time in his council-chamber, he affected to be surprised at finding them in separate states, said her Majesty considered them as one entire government, and earnestly pressed them both to come to an amicable agreement, not without insinuation, that neither of them would otherwise be in a condition to act at all.

The provincials, in return, intimated, that they should be heartily glad of a farther union with the territories if it could be obtained without prejudice to their constitution or to their charter; said, those of the territory had been the occasion of inserting that clause in their charter by which they had been enabled to act separately; made professions of so much good-will and good

neighbourhood as might prevent all inconveniences from their separation; that they had appointed a committee to confer with them, &c.

Conferences were accordingly opened between the two Houses, which produced two papers, one from the territory members, not over ingenuous in its contents, offering now to receive the charter they had till then rejected, and to coöperate with those of the province; and the other, a reply from the provincials, charging them with inconsistency, and declaring, that, seeing they were by their formal refusal necessitated to form themselves into a distinct assembly, and were now established accordingly, it was not in their power, as they conceived, without a violation of the charter and trust reposed in them, to entertain any expedient to reconcile their request of a union with the said charter, &c.

Thus all negotiation on this head came to an end, and the provincials were already in disgrace with their new governor, for showing so little regard to his recommendation.

A bill to confirm their charter, and some proceedings to correct the exorbitances of the proprietary land-office, rendered them yet farther obnoxious; and they also were in their turns exasperated by some intemperate censures passed on their proceedings by one of the governor's council.

Nor was this all; the bill to confirm their charter, &c. was sent back, with such amendments as appeared to the House destructive to the present constitution, and for that reason drew from them the following unanimous resolutions and address founded thereon; to wit,

"Resolved, that what is proposed for amendment in the fourth and fifth pages of the bill will render the said charter useless and ineffectual, and bring an odium upon the proprietary, who granted this instead of other

charters, wherein were larger and greater privileges granted to the first adventurers and purchasers of land in this province, which they expected (as it was their undoubted right) to enjoy, as well as the lands they bought; therefore this House cannot admit of those amendments; because they are also destructive to the present constitution, by which the representatives of the free people of this province are now assembled, and are resolved to assert and maintain.

"Resolved, that the method of passing bills by the governor should be adjusted and settled; but whether the governor thinks fit to be in council or not, at the passing of bills, is submitted to him.

"Resolved, that it is inconsistent with the late King's letters patent, and the said charter of privileges, that the council (as now chosen) should have a share in the legislation, unless it be when the government is in the council; which this House agrees may be upon the death of the governor, unless other provision be made by the governor-in-chief; and that a clause may be added to the bill for that purpose."

"To JOHN EVANS, Esq., Lieutenant-Governor, &c.

"The Address of the Assembly of the said Province, sitting at Philadelphia, the twelfth Day of August, 1704,

"In all humble manner showeth,

"That this assembly, having taken into their serious consideration the matters yesterday debated in the conference, relating to the proposed amendments to the bill entitled, 'An act for removing and preventing all questions and disputes concerning the convening and sitting of this Assembly,' &c. as also for confirmation of the charter of privileges, do find nothing advanced that can reconcile the said amendments to the constitution of our charter, and thereupon do come to this

resolve, That to admit of the power of dissolution or prorogation in the governor will manifestly destroy or frustrate the elections settled by the charter, which is a perpetual writ, supported by the legislative authority of this government, and will make way for elections by writs grounded upon a prerogative, or rather a pre-eminence, which the proprietary and his deputy are by charter debarred to resume.

"But to take off the jealousies that may arise upon that part of the charter and bill, which empowers us to sit upon our own adjournments, we are willing to settle and limit the times of adjournment and sitting, and in order thereunto propose to the governor,

"That a clause be added to the aforesaid bill, that the time of the assembly's sitting from the fourteenth of October, yearly, shall not exceed twenty days, unless the governor for the time being and assembly shall agree to a longer time; and the adjournment from that time shall not be less than three months; and so for every time of sitting, and every adjournment within the year, respectively."

The return to this was as follows; viz.

"From the Governor in Council to the Assembly."

"The governor, upon the best advice he can have upon the point of dissolution and prorogation, cannot be of opinion, that the proprietary has granted away that power; and that therefore it is very unsafe for him to do it. He is very unwilling to have any misunderstanding with the assembly, and shall always be inclinable to make things easy in this, as well as other points, and desires to leave it till further directions can be had from England, to which he thinks it is fit the matter should be referred; and in the mean time recommends to the assembly, to proceed to the despatch of such other business of importance as lies

before them, and the exigencies of the government necessarily require; and to which the opportunity now presented to them ought to invite and encourage them."

And this was the rejoinder of the Assembly.

"To JOHN EVANS, Esq., Lieutenant-Governor, &c.

"The Address of the Representatives, &c.

"Humbly showeth,

"That we have taken into our serious consideration thy written message yesterday, relating to the bill for confirmation of the charter of privileges, &c.

"And since the points of dissolution and prorogation are by thee asserted, and the power of this assembly to sit upon their own adjournments, first brought into question by the council in October last, which occasioned us to proceed thus far in explaining and settling our constitution by charter, we conceive we cannot safely let it drop at this time (and remain disputable) without violation of, or injury to, our said present constitution; and consequently it will not be so proper to proceed to the despatch of other affairs of importance before us, whilst our foundation remains unsettled.

"That, allowing what one of the members of council who came with the message was pleased to observe to us, that the proprietary had not given away the power of dissolution, &c. by the charter [*in express words*], yet that it could not be intended to be reserved by him, seems evident to us for the following reasons;

"First, because it could at no time be put in practice, without frustrating the very design of the grant, that we should have an annual standing assembly.

"Secondly, that whenever a dissolution should happen, the governor not being capable to call a new one by writ, as the same member of council rightly

observed, the remaining part of that year the province must be destitute of an assembly, and the governor of power to call one, whatever commands from the crown or other extraordinary occasions may happen, unless (as the said member was pleased to observe) by some such means as would need the power of a subsequent assembly, to confirm all that they should have occasion to act or do.

"Thirdly, that the proprietary, in the preamble of this present charter, having been pleased to remember and acknowledge his promise made to the assembly upon the delivery of the former charter, that he would either restore us that or another better adapted to our circumstances; therefore, in assurance of his good and sincere intentions, this charter must be such a one.

"Fourthly, by the former constitution, it is very plain there could be no dissolution, because the same members of assembly, and no others, were liable to be called at any time within the year; and, in many years' experience, no inconveniency found to arise thereby; nor was that any controverted point between the proprietary and the people, for the rectifying whereof another charter was thought necessary, but other matters not unknown to some of the council.

"Fifthly, and lastly, as a clear proof that the proprietary never intended to reserve the power of dissolution, it may be remembered, that at the close of the sessions of assembly, in the year 1701, when the members, being then chosen by writs, requested a dissolution, the proprietary answered, he would not do it; nor could he answer it to the crown, to leave the province without a standing assembly.

"Upon the whole, we take leave to inform thee, that, since this assembly (having long waited in hopes of the passing of this, with other bills lying before thee,)

is much straitened in time, the season of the year urgently calling most of the members from their attendance, and considering the governor's great indisposition is an obstruction of business, and that another election is now near at hand; that it is the inclination and desire of this House, that all other business might be waived till the meeting of the next assembly, and that, in the mean time, the governor would be favorably pleased further to consider the aforesaid points."

Impelled also to discharge their minds in full to the proprietary himself, they agreed, *nem. con.*, to nine several heads of complaint, which were entered in their minutes as follow, to wit;

"First, that the proprietary, at the first settling of this province, promised large privileges, and granted several charters to the people; but by his artifices brought them all at his will and pleasure to defeat.

"Secondly, that dissolution and prorogation, and calling assemblies by his writs, empowered by his commission to his present deputy, and his orders to his former deputies and commissioners of state, are contrary to the said charters.

"Thirdly, that he has had great sums of money last time he was here, for negotiating the confirmation of our laws, and for making good terms at home for the people of this province, and ease his friends here of oaths, &c.; but we find none of our laws are confirmed, nor any relief against oaths, but an order from the Queen to require oaths to be administered, whereby the Quakers are disabled to sit in courts.

"Fourthly, that there has been no surveyor-general since Edward Pennington died, but great abuses by surveyors, and great extortions by them and the other officers concerned in property, by reason of the proprietary's refusing to pass that law proposed by the assembly, in 1701, to regulate fees, &c.

"Fifthly, that we are like to be remediless in every thing that he hath not particularly granted, or made express provision for; because the present deputy calls it a great hardship upon him, and some of the council urge it as absurd and unreasonable to desire or expect any enlargement or explanation by him, of what the proprietary granted.

"Sixthly, that we are also left remediless in this, that, when we are wronged and oppressed about our civil rights by the proprietary, we cannot have justice done us; because the clerk of the court, being of his own putting in, refuses to make out any process; and the justices, by and before whom our causes against him should be tried, are of his own appointment, by means whereof he becomes judge in his own case, which is against natural equity.

"Seventhly, that sheriffs and other officers of the greatest trust in this government, which the proprietary hath commissionated, being men of no visible estates; and if any of them have given security, it was to himself; so that the people, whom these officers have abused and defrauded, can reap no benefit of such security.

"Eighthly, that although the commissioners of property have power by their commission to make satisfaction, where people have not their full quantity of land according to their purchase, yet they neglect and delay doing right in that behalf.

"Ninthly, that we charge the proprietary not to surrender the government, taking notice of the intimation he had given of making terms, &c., and let him understand how vice grows of late."

And they ordered a representation to be drawn up consequent thereto, and sent by the first opportunity.

Parts of this are already before us; and, as a

suggestion was afterwards made, that it contained other matter than was comprehended in the articles, the remainder deserves to be inserted here.

"That, upon thy being restored to the government, thou required thy lieutenant to govern us according to charter, which, by reason of Fletcher's interruption, became impossible before thy orders reached us, and so the government fell under great confusion again. Nor was the administration of thy propriety much better managed, because thou put some in that commission with whom the rest would not act; and at last the office of property and surveyor-general came to be shut up, and thou kept them so whilst thou sold lands to the value of about two thousand pounds sterling, and gave thy warrants in England for surveying the said land, and also got great tracts of land laid out or secured for thyself and relations, besides several valuable parcels which should have been laid out for the purchase, but were reserved by thy surveyors, whether for thee or themselves we know not; however thou appropriated those lands to thyself, by the name of *concealed lands*, whereas in truth they were concealed from the purchasers, who were to have their lands laid out contiguous one to another, and no vacancies left between them; and thou wast to have only thy tenth, as it fell, according to the concessions thou made with thy first adventurers; and if thou took it not up so, it was thy own (not their) fault, but the other was a manifest injury to many of them, as above declared.

"That upon thy last arrival here, after all the hardships and disappointments we had labored under, we hoped to enjoy the fruits of thy former promises and engagements; but, instead of that, we found thee very full of resentment, and many of our applications and addresses, about our just rights and properties, were

answered by recriminations or bitter invectives; and we found that the false insinuations and reproaches, that our adversaries had cast upon the province, with respect to false trade and harbouring pirates, had made so great an impression upon thee, that thou rather believed them than thy honest friends.

"And when thou entered upon legislation, thou wast pleased to repeal all the laws that were made in Colonel Fletcher's time, which were approved by the King or Queen, as we were informed, and as some of us gathered by the account thou gave of them, viz., that Chancellor Somers had sent for thee to know what thou had to object against any of those laws; and if it had not been for thee, none of them had passed, or words to that effect. And not only so, but the people being minded to surrender the said second charter upon thy promise to give them a better in lieu of it, and under pretence of passing an act for confirming and securing their lands, &c., thou obtained liberty to re-survey all the lands in the province, and to bring the people to terms for the overplus; so that by this stratagem, the warrants, surveys, and new patents cost the people as much, and to some more, than the first purchase of their lands, besides their long attendance upon thy secretary and surveyors to have their business done; but before thou would pass that act, it must be accompanied with an impost or excise, and a two thousand pound bill besides. And all this thou esteemed but inconsiderable, when thou compared it with the vast charge thou had been at, in the administration and defence of this government, since the year 1682, though we know thy stay here at first coming was not above two years, but went home about the difference between thee and Baltimore, concerning the bounds of the Lower Counties, and did

not return till the year 1699, excusing thy stay by thy service to the nation of England in general, and to thy friends there in particular, (as appears by thy letters from time to time,) whilst the interest of this province was sinking, which might have been upheld by the many wealthy persons that were inclined to transport themselves here, after the rout of Monmouth, if thee had then come over according to thy repeated promises. And how far thy stay has either effected what thou went about, or contributed to the establishment of the inhabitants here in their just rights and liberties and properties, we leave thee to demonstrate, and the world to judge. In the mean time, we desire thee to consider better what to place to the account of this province; and do not forget that no part of thy pretended charges was expended in paying some of those who acted under thee, in the administration here, one of whom, viz. Thomas Lloyd, served thee in that station about nine years of thy absence, which thou leaves, it seems, for the country to discharge.

"That after thou had managed these points, and was sent for to England, thou granted the third charter of privileges, by which we are now convened; as also a charter to incorporate the city of Philadelphia, and signed a charter of property, but refused to order thy seal to be affixed thereunto, till thou had advised upon it in England; nevertheless, thou promised under thy hand, that thou would confirm the first part of it relating to titles of land, but thou sent thy order, under hand and seal, dated within six months after, to countermand the sealing thereof.

"That, after the laws were completed for raising all the said taxes and imposts, thou proposed, that, if thy friends would give thee a sum of money, thou promised to negotiate their affairs at home to the best ad-

vantage, and endeavour to procure the approbation of our laws and a general exemption from oaths. We find that considerable sums have been raised by way of subscription and benevolence for that service; part thou received before thou went, and more have been received since by thy secretary; but we had no account that our laws are approved, nor had we as much as a letter from thee, nor any other intimation, but by thy secretary's letters, which he thought fit to communicate by piecemeals, whereby we understand, that thou hast been making terms for thyself and family. And, by what we gather, thou hast been upon surrendering the government; nor are thy friends here eased of oaths, but, on the contrary, an order from the Queen, requiring oaths to be administered to all persons who are willing to take them in all judicatures, whereby the people called Quakers are disabled to sit in courts.

"That, by the last charter of privileges, thou established an annual election of representatives for assembly, and that they should continue and sit upon their own adjournments; yet, by thy commission to thy present deputy, John Evans, thou did, in a direct opposition to the said charter, give him power, not only to call assemblies by his writs, but to prorogue and dissolve them as he should see cause; and also reserved to thyself, though in England, thy final assent to all bills passed here by thy deputy. We suppose thou hast not forgot, that what rendered the former charter inconvenient, if not impracticable, was chiefly, that Colonel Fletcher's interruption had extinguished the rotation of the council, and, next to that, the proposals of laws by the council, in presence of the governor; as also the instability of the Lower Counties, which we had before experience of, and whose result

was then doubted, as hath since happened. But that annual standing assemblies, liable only to the dismission and call of the governor as occasion required, was never found an inconveniency, nor assigned as a reason for changing the said former for the present charter; and, should that of dissolution be introduced, it would frustrate the constitution, because, if a dissolution should happen, the province might be a great part of the year without an assembly, and the governor without power to call one, whatsoever commands from the crown, or other occasions, may happen; for that the election being fixed by charter, which is in nature of a perpetual writ, and has the authority of a law, if it could be superseded by the governor's writ, which is but an act of state, and merely temporary, it would be of pernicious consequence to the province as well as thyself; and of this thou seemed very sensible, when, being desired by the assembly, upon the close of the session in the year 1701, to dissolve them, (being then called by writs,) thou told them, thou wouldst not do it, for that thou couldst not answer to the crown to leave the province without a standing assembly.

"That, as the exemption from any dissolution or prorogation seems to be an inseparable consequent of thy grant, as well as our constant practice upon the former charter, which this was by thy promise to exceed, so, upon an attempt made by the council to prorogue us in October last, we have thought it our duty to prepare a bill for ascertaining, explaining, and settling our present constitution; which we having presented to thy deputy for his assent, he finding that the power of dissolution and prorogation is not in express words granted away by charter, as also the inconveniency thereof with his said commission, after

several conferences thereupon, had with him and his council, he thought fit to advise us to forbear the farther pressing it, till we should hear from thee; therefore, he being unwilling to pass the said bill by us judged so necessary, and the very foundation of our present constitution, we could not think it proper to proceed to perfect any other business, whilst that remained unsettled. Nor do we suppose any thing will be done in legislation either by the present or succeeding assemblies, till the difficulties we labor under herein be removed, either by thy speedy order, or by thy deputy without it, seeing to proceed upon other matters would be to raise a superstructure before the foundation were well laid; nor do we look upon it very advisable for us to proceed far in legislation, until thou repeals those parts of thy lieutenant's commission, relating to prorogation and dissolution of assemblies, for the reasons before given, as also concerning thy final assent to laws, which we conceive to be very unreasonable in itself, and a great abuse and violation of our constitution, that thou should offer to put three negatives upon our acts, whereas by our first charter we had none but that of the crown; and how thou gained another to thyself, we have before showed thee, but now to bring us under three seems a contrivance to provoke us to complain to the Queen, that thou art not effectually represented here, and make that a motive for her to take us under her immediate care and protection, which would make thy surrender in some measure our act, which, if thou should do without the consent of the landholders and inhabitants of this province first obtained, would look too much like treachery.

"That it appears, by several petitions now before us, that very great abuses have been and are put upon the inhabitants, and extortions used by thy secretary,

surveyors, and other officers, concerned in property as well as courts, which might have been prevented or sooner remedied, had thou been pleased to pass the bill proposed by the assembly in the year 1701 to regulate fees; as also the want of a surveyor-general, which is a great injury and dissatisfaction to the people, as is likewise the want of an established judicature for trials between thee and the people. For if we exhibit our complaints against thee, or those who represent thee in state or property, they must be determined by or before justices of thy own appointment; by which means, thou becomes, in a legal sense, judge in thy own cause, which is against natural equity. Therefore we propose, that a man, learned in the laws of England, may be commissioned by the Queen, to determine all matters, wherein thy tenants have just cause to complain against thee, thy deputies, or commissioners; or else restore the people to the privilege of electing judges, justices, and other officers, according to the direction of the first charter, and intent of the first adventurers, and as the people of New England have, by King William's charter. That thy commissioners of property, are very unwilling to make good the deficiencies of those lands thou hast been many years ago paid for (though thou gave them power so to do), and so great is the difficulty and trouble to get satisfaction in this particular, that it is better for one to forego his right, than wait on and attend the commissioners about it, unless the quantity wanting be very great.

"We have many other things to represent to thee as grievances; as thy unheard-of abuses to thy purchasers, &c., in pretending to give them a town, and then, by imposing unconscionable quit-rents, makes it worse by ten-fold than a purchase would have been;

also the abuse about the bank, and want of common to the town, and not only so, but the very land the town stands on is not cleared of the Swedes' claims.

"These are the chief heads, which we thought fit at this time to lay before thee, earnestly intreating thy serious consideration of them, and that thou will now at last, after we have thus long endured and groaned under these hardships (which of late seem to be multiplied upon us), endeavour, as far as in thee lies, to retrieve thy credit with us thy poor tenants and fellow-subjects, by redressing these aggrievances, especially in getting our laws confirmed, and also to be eased of oaths, and giving positive orders to thy deputy to unite heartily with us upon our constitution; and that the charters thou granted us for city and country may be explained, settled, and confirmed by law. And we further intreat, that effectual care be taken for the suppressing of vice, which, to our great trouble we have to acquaint thee, is more rife and common amongst us since the arrival of thy deputy and son, especially of late, than was ever known before. Nor are we capable to suppress it, whilst it is connived at, if not encouraged by authority, the mouths of the more sober magistrates being stopped by the said late order about oaths, and the governor's licensing ordinaries not approven by the magistrates of the city of Philadelphia, and the roast chiefly ruled by such as are none of the most exemplary for virtuous conversation. Thy positive orders in the premises, will be absolutely necessary to thy deputy, who thinks it unreasonable, and a great hardship on him, to give sanction to laws explanatory of thy grants, or to do any thing by way of enlargement or confirmation of aught, save what is particularly and expressly granted by thee, it being by some of his council urged as an absurdity in us to expect;

and we desire that thou would order the licensing of ordinaries and taverns to be by the justices, according to thy letter dated in September, 1697; and we hope we need not be more express in charging thee, as thou tenders thy own honor and honesty, or the obligations thou art under to thy friends, and particularly thy first purchasers and adventurers into this province, that thou do not surrender the government, whatsoever terms thou may by so doing make for thyself and family, which we shall deem no less than a betraying us, and at least will look like first fleecing, then selling; but rather use thy utmost interest with the Queen, to ease us in the premises; and if, after thy endeavours used to keep the government, it be *per force* taken from thee, thou will be the clearer in the sight of God, and us the representatives of the people of this thy province, who are thy real friends and well-wishers, as we hope is evident in that we have dealt thus plainly with thee."

It was but natural, that such a paper as this should deeply affect those it was levelled against, and that it should operate differently on persons differently made and differently situated.

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There is something in connexion and dependence which gives a secret bias to all we think and wish, as

well as what we say; and in all disputes this must be duly allowed for on both sides.

Seven persons some of them of the council, made their application by petition to the next assembly for a copy of it, but were flatly refused; and even when the governor himself in very high language required it, they were immovable as before.

Willing as they might be to reclaim the proprietary to a due sense of his first obligations, they might be equally unwilling to expose him; and, agreeable to this, the assembly of 1706–7, in one of their remonstrances to the governor, say, "that, hoping the bill of courts then in dispute would have put an end to some of the grievances they had several years groaned under, they had hitherto forborne *publicly* to remonstrate; choosing rather to provide remedies for things amiss than to complain of them." Some concern they might also be under for themselves; their ascendency was precarious; it depended on the good-will of numbers; and the infirmity of nature above touched upon, might happen to operate more powerfully in the people, than the consideration of justice and safety to themselves and their posterity. The province, at this time, had moreover their reasons, on account of oaths, a militia, &c., to apprehend some inconveniency, if they fell under the immediate government of the crown, and therefore did not care to break with the proprietary entirely.

Nor was it long before, by partial and indirect practices, such as both influencing and awing the electors (facts publicly charged on the instruments of government by the assembly of 1706–7), that the governor obtained both an assembly and a speaker, almost as complaisant as he could wish. Nor ought it to be forgot, that his successor Gookin obtained such another in the year 1710.

In all matters of public concern, something personal will interfere. Thus we find, during this turbulent period, two names frequently occur, as opposites in principle and purpose, and the oracles of their respective parties, to wit; David Lloyd, speaker of the assembly, and James Logan, secretary to the governor and council.

Logan insults the members of the assembly sent from the House on a message to the governor. The House resent it, complain of it, arraign his conduct in office, and proceed against him as a public delinquent. The governor, on the other hand, conceives an insuperable aversion to the speaker, points him out to the public as an interested, factious, dangerous person, treats him arrogantly at two several conferences, and complains of the House for not abandoning him to his resentments.

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The last of those charters, the said governor, in one of his papers, was pleased to style a tedious bill of property, fitted so entirely to the people's interest, and with so little regard to the proprietary, that it seemed strange how reasonable men could, without confusion, offer it; and, in another, he discourses of it as a project of the speaker's to incorporate the whole province, and take away near the whole power out of the hands

of the proprietary and governor, and lodge it in the people.

To which the assembly replied in the remarkable words following;

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And now, to finish on the head of the representation, which throws so much light on the first foundation of this colony, what afterwards passed in the assembly concerning it, candor requires should here be subjoined.

"But what," says Governor Evans, "I must not be silent in, is, that he (the proprietary) highly resents that heinous indignity and most scandalous treatment

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he was met with in the letter, directed not only to himself, but also to be shown to some other persons disaffected to him, in the name of the assembly and people of this province, of which I have formerly demanded a copy, but was then denied it, under pretence (when it was too late) that it should be recalled. If that letter was the act of the people, truly represented, he thinks such proceedings are sufficient to cancel all obligations of care over them; but, if done by particular persons only, and it is an imposture in the name of the whole, he expects the country will purge themselves, and take care that due satisfaction be given him."

The reader will observe, that the letter is not complained of as scandalous, because of its *falsehood*, but because of its *freedom*, in which it must be understood consists the indignity.

And the assembly's reply was as follows;

"As to the representation or letter sent to the proprietary by order, or in the name of the *former* assembly, which he takes, it seems, as an indignity, and resents it accordingly; it not having been done by this House, but being the act (or in the name) of a *former*, as we are not entitled to the affront, *if any be*, neither are we concerned in answering it; our part is only to lament (as we really do) that there should be *true* occasion for such representation; or, if none, that it should be offered to our proprietary, whom we both love and honor; and, therefore, we hope his obligations of care over us and the people of this province by no such means shall be cancelled."

That this man's government should be one continued broil, from the beginning of it to the end, is proof sufficient, that Mr. Penn left his *frame* at least in a very imperfect state.

Nor were the people themselves insensible of it, nor more backward to declare their sentiments concerning it, than of the other parts of his conduct.

Evans, for example, having made use of the following clause in one of his papers to the assembly, to wit;

"The governor, at his arrival, found the people possessed of a charter, by virtue of which the present assembly now sits, containing the *frame* of government, settled solemnly, as he has reason to believe, between the proprietary and the people, because, by the subscription, it is said to be *thankfully* accepted of by the assembly then sitting, and was signed, not only by the proprietary, but by the speaker of the assembly, in the name of all those of the province (as it is affirmed) who were then present, and unanimously consenting, and is farther witnessed by the council; this, therefore, ought fully to conclude. For, if the people could allege that any thing more was their due, it ought at that time to have been fixed and settled, the assembly then sitting, as the governor is informed, having fully considered and debated it; or, if any demands, which it is imagined might further have been made, were not then granted, the governor cannot think it proper for him to intermeddle or to concern himself farther than by virtue of the King's letters patent to the proprietary, and the proprietary's commission to him, with her Majesty's royal approbation, to govern according to that charter, and the laws in force," &c.

The assembly thus replied;

"As to the present charter, which the governor found in being at his arrival, though it be *far short* of an English constitution, yet even that has been *violated* by several inroads made upon it; and if the governor cannot grant the just and reasonable demands of the people's representatives agreeable with an English

establishment, there is cause to conclude, that the proprietary is not *fully* represented here; and, however the charter was received, yet it was not with such unanimity as is alleged, because *diminutive* of former privileges; neither was it prepared by the House of Representatives, but done in *great haste.*"

"We are not striving for grants of power, but what are essential to the administration of justice,* and agreeable to an English constitution; and, if we have not been in possession of this these twenty-four years, we know where to place the fault, and shall only say, it is high time we were in the enjoyment of our rights."

And, lastly, the said assembly, having drawn up two several remonstrances to the proprietary, reciting the particulars of their grievances and complaints against the said governor, took occasion in the last of them, dated June 10th, 1707, to express themselves as follows;

"We, and the people we represent, being still grieved and oppressed with the male-administration and practices of thy deputy, and the ill carriage, unwarrantable proceedings, and great exactions of thy secretary, are like to be destroyed by the great injustice and arbitrary oppressions of thy evil ministers, who abuse the powers given thee by the crown, and we suppose have too much prevailed upon thee to leave us hitherto without relief.

"That the assembly which sat here on the 26th of the sixth month, 1704, agreed upon certain heads or particulars, which, according to the order of that day, were drawn up in a representation, and was signed by the speaker, and sent thee by a passenger in John Guy's brigantine, who was taken into France, from

* The governor had rejected the bill proposed by the assembly for establishing courts of justice, &c., and had done it by an *ordinance* of his own.

whence the same representation was conveyed to thy hands; whereby thou art put in mind, upon what score the purchasers and first adventurers embarked with thee to plant this colony, and what grants and promises thou made, and the assurance and expectations thou gave them and the rest of the settlers and inhabitants of this province to enjoy the privileges derived from thy own grants and concessions, *besides* the rights and freedoms of England; but how they were disappointed in several respects, appears, in part, by the said representation, to which we refer, and become supplicants for relief, not only in matters *there* complained of, which are not yet redressed, but also in things then omitted, as well as what have been lately transacted, to the grievous oppression of the Queen's subjects, and public scandal of this government.

"We are much concerned, that thou conceived such displeasure as thou did against that assembly, and not in all this time vouchsafe to show thy readiness to rectify those things which they made appear were amiss; nor hast thou showed thy particular objections to the bills, which, with great care and charge, were then prepared, for confirming thy charters to this city and country, respecting both privileges and property, and for settling the affirmation instead of oaths. But, on the other hand, we found, to our great disappointment, that thou gave credit to wrong insinuations against them, as appears by thy letter from Hyde Park, dated the twenth-sixth of the twelfth month, 1704 – 5, wherein thou treated some particulars very unfriendly, and without any just grounds blamed the people's representatives, who, we perceive by their proceedings, were ready to support the government under thy administration, and desired nothing but to have their just rights, privileges, and properties confirmed, the judi-

and we desire that thou would order the licensing of ordinaries and taverns to be by the justices, according to thy letter dated in September, 1697; and we hope we need not be more express in charging thee, as thou tenders thy own honor and honesty, or the obligations thou art under to thy friends, and particularly thy first purchasers and adventurers into this province, that thou do not surrender the government, whatsoever terms thou may by so doing make for thyself and family, which we shall deem no less than a betraying us, and at least will look like first fleecing, then selling; but rather use thy utmost interest with the Queen, to ease us in the premises; and if, after thy endeavours used to keep the government, it be *per force* taken from thee, thou will be the clearer in the sight of God, and us the representatives of the people of this thy province, who are thy real friends and well-wishers, as we hope is evident in that we have dealt thus plainly with thee."

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by way of impeachment, which the governor (Evans) found means to evade, against the repeated offers of the assembly to produce their witnesses and fasten their proofs upon him; and, against the governor himself, twelve in the shape of remonstrances, which argue him loose in principle, arbitrary in disposition, and scandalous in his private life and deportment.

So unpopular was he, that a unanimous vote of thanks to the proprietary was passed on his being removed, almost before his face, for he was still a resident among them; and as he had been Logan's screen, so his successor, Gookin, was little better than Logan's tool. The first had the name, the latter the power; and, by the help of the council, spurred him on, or reined him in, as he pleased.

Both were necessitous, consequently craving alike; and having each considered himself first, and the proprietary next, had little consideration left for the crown, and none at all for the people.

If Evans adventured to act in many respects as if there was neither charter nor assembly, or, rather, as if he was authorized by his commission to do what he pleased in contempt of both, (as appears by his arbitrary dismission of one assembly merely because they could not be brought to obey his dictature,) Gookin, after his example, and at the instance of Logan, declared another assembly to be no assembly, and refused to hold any further correspondence with them. And yet, when he was on the point of being recalled, he was both mean enough and desperate enough to convene the assembly, purposely to make them this laconic proposition, viz. "That for the little time he had to stay, he was ready to do the country all the service he could; and that they might be their *own carvers*, in case they would in some measure provide for his going back

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spot, by the governing interest there; so that his administration was wholly different from that of his two predecessors.

With as particular an eye to his own particular emolument, he did indeed make his first address to the assembly; but then all he said was in popular language; he did not so much as name the proprietary; and his hints were such as could not be misunderstood, that, in case they would pay him well, he would serve them well.

The assembly, on the other hand, had sense enough to discern, that this was all which could be required of a man who had a family to maintain with some degree of splendor, and who was no richer than plantation governors usually are; in short, they believed in him, were liberal to him, and the returns he annually made them were suitable to the confidence they placed in him; so that the proper operation of one master-spring kept the whole machine of government, for a considerable period of time, in a more consistent motion than it had ever known before.

Of all political cements, reciprocal interest is the strongest; and the subject's money is never so well disposed of, as in the maintenance of order and tranquillity, and the purchase of good laws; for which felicities Keith's administration was deservedly memorable.

Under proprietary displeasure, however, by the resentment and artifice of Logan, the proprietary secretary, excited and aggravated by some neglects and mistakes of his own, he sunk at last; after what manner, it may not be altogether unuseful to intimate.

When Mr. Penn died, in the year 1718, he left his hold of the province (which was much incumbered, by a mortgage on one hand, and by a transfer of it to the

crown for ten thousand pounds, of which he had received two thousand pounds, on the other,) in the hands of trustees, namely, his widow, Henry Gouldney, Joshua Gee, and his all-sufficient secretary Logan.

The difficulties thus resting in his family were very well known in the province; notwithstanding which the inhabitants, satisfied with their governor, persevered in all duties to them, nor seemed to entertain a thought to their disadvantage.

Logan and his creatures were the only malecontents; and why they were so will be made sufficiently obvious. The governor and assembly in concurrence could govern the province without his participation; so he remained without importance to either, till this share of the trust enabled him to interpose, and entitled him to be heard, at the expense of both.

In the second year after Keith's arrival, Logan had divided his council against him, and carried off a majority; and ever after had represented him in his despatches, as having substituted his own interest in the place of the proprietary's, and confederated with the assembly to make both branches of the legislature equally subservient to popular purposes.

Subtle, however, as he was, and practised in all the arts of political disguise, he could not long conceal himself from the penetration of Keith. Thus having been detected (as Keith says,*) in aggravating, and even in altering certain minutes of the council proceedings for the purposes before specified; and, in full confidence of proprietary protection, defending himself therein, with much personal abuse against the governor; the latter dismissed him from his post as secretary, and substituted another in his place.

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* Governor Keith's Letter to the widow Penn, September 24th, 1724.

With this, and a variety of other complaints, all of the same tendency, Logan therefore made a voyage to England, soon after he became a trustee, and there made his court so effectually to the widow, &c., that they freighted him back with letters of reproof, and private instructions to Keith, not only to reinstate him, but, in effect, to be governed by him, as implicitly as Gookin had been governed before.

Keith, on the other hand, being a man of too much spirit to submit to such treatment, and presuming beside, that his services to and interest in the colony, and his connexions with the most considerable men in it, would uphold him against all opposition whatsoever, communicated all to the assembly together with his own answers; and this he thought was the more incumbent on him, because Logan had already been making his efforts to stir up a party against him.

Logan, upon this, commences advocate in form for the proprietary interest, presents a written plea on its behalf to the assembly, justifying therein all the restrictions laid on the governor by those instructions (which will be in the next session explained), and, whether by chance or design it is hard to pronounce, suffered the secret of the quarrel to escape, by insinuating that the proprietary, during his absence, had not received one penny either to himself or his family, from the government, whereas others had received large sums.

The assembly, however, not being in a humor to pay two government subsidies instead of one, when exempted by the original article of quit-rents from the obligation of paying any, did not so much as take notice of this point; but on the contrary, closing with the governor, desired his concurrence with them, and offered their concurrence to him, in withstanding whatever was in the said instructions contained, repugnant to their charter, or inconsistent with their privileges.

The governor himself also became an advocate for the province, and laid before the assembly a written defence of the constitution thereof, as well as of the late proprietary's character, in answer to Logan's memorial; and the session was concluded most triumphantly on the governor's side; for the House not only agreed to a remonstrance, in answer to the widow Penn's *private* instructions, as they were called, but moreover gratified him for his extraordinary services with a thousand pounds.

The controversy continued notwithstanding, and both parties bestirred themselves equally in order to make proselytes. Logan seemed more humble than before, but never was more confident. Keith never was so much in pain for his own stability, and yet never seemed to have less apprehensions. In proportion, however, as it became more and more probable, that he would be laid aside, he became less and less considered; and a breach between him and the speaker Lloyd, so often mentioned, and who had, even in print, acted the part of a second to him, became as fatal to him as it was fortunate to Logan.

When the next assembly met, it soon appeared, that, though the governor used the same patriot language to it, he had not the same ascendency over it. Two several negatives were put, upon two several motions to furnish him, the first with six hundred pounds, the second with five hundred pounds, towards his support. No more than four hundred pounds could be obtained; and, notwithstanding all engines and all devices were employed, no further compensation could be procured for him.

It is equally the lot of this nation to be more specious than virtuous, more splendid than consistent, and to abound more in politicians than philosophers.

Keith had more of the former than the latter in his composition, though he was neither in any eminent degree. A politician would not have furnished his adversaries with a plea to excuse his removal, by communicating a private paper to a popular assembly. A philosopher, governed by principle, and proof against passion, would not have been in the power of any issue whatsoever; and if the assembly had been capable of consistency, they would have set a lustre on his dismission, by accompanying it with all the *douceurs* in the power of the province to have heaped upon him, that other governors might have thought it worth their while to proceed on his plan.

Instead of which, on the first intelligence of a new governor, which was as carefully imparted to *them*, as concealed from *him*, they even affected to procrastinate the business of the province; and when upbraided by Keith with this backwardness, and, not without some mixture of indignation, required to give the public a testimonial of his administration, they proceeded in it, as if rather constrained than inclined; and at last took care to say as little as possible, though they had room to say so much.

In short, after a nine years' administration, unembarrassed with any one breach between the governor and assembly, and, as acknowledged by the latter, productive of much positive good to the province, they parted with reciprocal coldness, if not disgust; Keith disdaining to follow Gookin's example in desiring a benevolence, and they not having consideration enough left for him to offer it.

There is no man long or much conversant in this overgrown city, who hath not often found himself in company with the shades of departed governors, doomed to wander out the residue of their lives, full of the

agonizing remembrance of their past eminence, and the severe sensation of present neglect.

Sir William Keith, upon his * return, was added to this unfortunate list; concerning whom the least that can be said, is, that either none but men of fortune should be appointed to serve in such dignified offices; or otherwise, that, for the honor of government itself, such as are recalled without any notorious imputation on their conduct, should be preserved from that wretchedness and contempt, which they have been but too frequently permitted to fall into, for want even of a proper subsistence.

The reader is desired to pardon this digression, if it is one. It was necessary to show, that the province of Pennsylvania, when well governed, is easily governed; and that whichever branch of the legislature inflames the proprietary jealousy, or interferes with the proprietary interest, the result is the same; the obnoxious assembly is reprimanded and vilified, and, as before observed, the obnoxious governor is recalled.

So that, unless the province stoops to be loaded with a triple tier of subsidies, namely, one for the public service, ordinary and extraordinary, one for the governor's annual appointments, and one for the gratification of the proprietaries and their creatures, it seems reasonable to conclude it is never to enjoy any established state of tranquillity.

And now, in addition to the points of proprietary encroachment and proprietary resentment already mentioned, we are naturally led to such other points of

* He stayed in Philadelphia some time after his being displaced; and, seduced by his resentments, condescended to act a part neither becoming nor prudent; procuring himself to be returned as an assembly-man, and taking all the measures in his power to divide the province, embarrass the governor, and distress the *proprietaries*.

controversy, as at various times have arisen for want of sufficient foresight and sufficient preventives, and of which several are unhappily in agitation at this very day.

It cannot but be recollected, that Mr. Penn, in his discourse with his joint adventurers, concerning reserved rents for the support of government, made a remarkable distinction between his two capacities of *proprietary* and *governor;* and from hence, as well as from the nature of the trust, it must obviously follow, that when he withdrew himself to England, and transferred the government to his deputies, those deputies could not but be possessed of all the powers originally vested by the crown in him. Adroit as he was at refinements, he could not do by his trust as he did by his land; withhold a reserve of power, and, like the drunken sailors in the play, appoint a viceroy, and retain a power to be viceroy over him.

And yet even Mr. Penn himself, in his commission to Evans, a man, as we have seen, determined enough to push any proprietary, and defeat any popular points whatsoever, could venture to slip the following clause into his commission, to wit; "saving always to me and my heirs, our *final assent* to all such bills as thou shalt pass into laws in the said government, &c."

The assembly, however, to whom this commission was communicated, were shrewd enough to start the following doubt upon it, and to send it by way of message to the council, to wit; "Whether the said vote is void in itself, and does not vacate the rest of the said commission or render it invalid?" And the council, with the proprietary's eldest son at the head, and secretary Logan at the rear of it, were so startled at it, that, in order to evade the last inference, they found themselves under a necessity to return the following answer.

"We of the council, whose names are hereunto subscribed, are of opinion, that the said *saving is void in itself;* and that those bills which the present lieutenant-governor shall think fit to pass into laws, and cause the proprietary's great seal to be affixed thereunto, cannot afterwards be vacated or annulled by the proprietary, without assent of the assembly of this province."

The next piece of practice, to answer the same purpose, that was found out, was to impose certain conditions of government on the deputy, under the penalty of a certain sum. This was first submitted to by Keith, and has been a rule to all his successors, with this difference, that whereas the penalty exacted from him was but one thousand pounds sterling, it has been since raised to two or three thousand pounds.

If ever the case of this colony should come before parliament, which is not altogether improbable, no doubt these conditions will be called for; and if they should then be found irreconcilable with the charter, and a check upon the legislative, altogether unconstitutional and illegal, the wisdom of the nation will, no doubt, pronounce upon such a trespass according to the heinousness of it.

Again; the widow Penn, in her private instructions to Sir William Keith, having admitted and complained, that the powers of legislature were lodged in the governor and assembly, without *so much* as a *negative* reserved to the proprietary when absent, proceeds to avow, that it was never *intended* [by the proprietary must be understood] the said governor and assembly should have the exercise of these powers; as also to pronounce it a *dangerous invention* of Keith's to enact laws in conjunction with the assembly, and transmit them directly to the King's ministers without any *other*

check; and then, after thus arrogantly interposing between the King and his lieges of this province, clenches the whole with the following injunction; "Therefore, for remedy of this grievance, it is required, that thou advise with the council, upon every meeting or adjournment of the assembly, which requires any deliberation on the governor's part; that thou make no speech, nor send any written message to the assembly, but what shall be first approved in council; that thou receive all messages from them in council, if practicable at the time, and shall return no bills to the House, without the advice of the council, nor pass any whatsoever into a law, without the consent of a majority of that board, &c."

What, therefore, the governor's bond had not been sufficient to obtain, this new expedient was to extort. If the governor would not act as required, he was thus to be disabled from acting at all; and after so many various frames of government had been granted and regranted, proprietary *will* and *pleasure* was to be the last resort of all.

In vain both governor and assembly freely and fully remonstrated against such an innovation, in a government supposed to be guarded by charter against all innovations whatsoever, more especially such as were neither consistent with the rights of the people, the powers already vested in the governor, nor the respect due to the crown.

Logan discovered the assembly were not authorized by *charter* to *advise*, though they were to enact; because the word *advice* was not to be found in that *last* given to them; that governors were not to be trusted to act without advice; consequently the said expedient to bridle them was a good one; and, if we may judge by events, his sophistry has given the law ever since.

From what has been thus far recited, it is obvious, that the proprietary of Pennsylvania was of too little consideration here at home, to be of much use to the province either as a protector or advocate; and yet, that he was *there* so much above the level of his freemen and tenants, that, even in their legislative capacity confederated with the governor, they could hardly maintain their rights they were so many ways entitled to, against the artifices and encroachments of his emissaries.

As *lord* of the *soil*, is the light he is next to be considered in. The charter of Mr. Penn obtained of the crown, comprehended a far greater extent of territory, than he thought fit to take up of the Indians at his first purchase.

And even in the very infancy of his colony, it was by act of assembly inconsiderately, because unconditionally, provided, that, in case any person should presume to buy land of the natives, within the limits of the province, &c., without leave first obtained from the proprietary, the bargain and purchase so made should be void.

Rendered thus the only purchaser, he reckoned he might always accommodate himself at the Indian market, on the same terms, with what quantity of land he pleased; and till the stock in hand, or such parts of it as he thought fit to dispose of, were in a fair way of being sold off, he did not think it for his interest to encumber himself with more.

This happened sooner than he foresaw; though it must be acknowledged the founders of few cities appear to have had more foresight than he. The growth of his colony exceeded his most sanguine expectations; and, when successive new purchases came to be made, an inconvenience by degrees became manifest, which,

perhaps, had not been thought of before, or, if thought of, had not been guarded against.

Men who want a present convenience must not be over-solicitous about future contingencies; and, in general, we choose to be blind to such objects as we fear we have not strength enough to remove; he that is too much of a huckster often loses a bargain, as he that is too little so, often purchases a law-suit.

It was no hard matter to induce a belief, that occasional treaties with the Indians, under the pretence of keeping up the same brotherly correspondence which had been at first established with them, was a necessary measure of government; nor to prevail with the province, while this was understood to be the sole consideration, to bear the expense of them.

But when it appeared, as in the course of time was unavoidable, that a treaty and a purchase went on together, that the former was a shoeing-horn for the latter, that the governor only made the compliments, and the assembly the presents, &c., it could not but appear also, that there must be somewhat unfair in a procedure, where one paid all the cost, and the other engrossed all the profit, and that it was high time to put some stop to a practice so injurious to their understandings.

It is not indeed necessary in private life to bargain, that those who purchase for their own use and advantage, should pay the price out of their own pockets; but in public it is.

Persons who stand on the same ground will insist on the same rights; and it is matter of wonder, when any one party discovers folly or insolence enough to demand or expect any preëminence over the other.

Whereas prerogative admits of no equality, and presupposes that difference of place alters the use of language, and even the very nature of things.

Hence, though protection is the reason, and consequently should be the end of government, we ought to be as much upon our guard against our protectors as against our enemies.

Power, like water, is ever working its own way, and wherever it can find or make an opening, is altogether as prone to overflow whatever is subject to it.

And though matter of right, overlooked, may be reclaimed and re-assumed at any time, it cannot be too soon reclaimed and re-assumed.

That assembly then, which first discovered this lapse, or which, at the requisition of their constituents, first endeavoured to retrieve it, did no more than their duty, and the precedent they set cannot be too closely followed.

Again; the distinction made by Mr. Penn in the case of the quit-rents, between his two capacities of *governor* and *proprietary*, had a use, which even he, with all his shrewdness, did not perhaps advert to, when it was made, or at least expect it would be adverted to by any body else.

For the support of the governor and government, it must be recollected they were submitted to; for the support of the proprietary, when absent from his government, and when the government charge was otherwise supported, they were paid. And as he and his agents went on, not only to reserve such rents out of all the parcels of lands they disposed of, but even to rise in their demands as the value of lands rose, so it could not but follow, that in process of time these quit-rents would of themselves become an immense estate.

When, therefore, the proprietary no longer acted as governor, nor even resided in the province, nor expended a fifth of his income there, could it be supposed,

that this estate, thus obtained and thus perverted from its original purpose, should not be liable, in common with all other estates, to contribute to those charges it was first in the entire allotted for, and the whole amount of which it so many fold exceeds?

No property in England is tax-free; no difference in the amount or value of property makes any difference in the duty of subjects; and nothing is more consonant to reason, than that he who possesses most, should contribute most to the public service.

And yet, for want of a specific clause to declare their property taxable, the present proprietaries insist on having it exempted from every public obligation, and upon charging the difference on the public, who, it cannot be too often remembered, gave it in the first instance as the price of an *exemption* from all other taxes.

Clear, however, it will be made to every unprejudiced mind, that such a specific clause neither is, nor ever was necessary; and, that in virtue of the inherent right, as well as the power and authority reposed in the freemen to tax themselves by ways and means of their own providing, all the property of the province lies indiscriminately at their discretion, subject to an equal taxation.

The *paper currency* of the province is next to be mentioned; and as that was out of prospect while the several *frames* of government were under consideration, it could not be comprehended in any of them.

The currency then was, and so continued to be, for many years after, gold and silver of any species by weight; at first in so irregular a manner, and at such uncertain rates, as gave the crafty many opportunities to prey upon the ignorant and necessitous; consequently was productive of much contention, embarrassment, and confusion.

By royal proclamation, in the fourth of Queen Anne, the rates and values of all foreign coins current in the English colonies were limited and ascertained; and, in her sixth, the contents of the said proclamation were enacted into a law, which is still in force.

But the annual influx of these foreign coins, through what channel soever, or from whatsoever source, by no means answered the demands of an annual issue.

From England came all the manufactures consumed in the plantations; and all the returns they could make by their commodities sent thither directly, or the product of them at other markets, fell far short of the balance growing against them.

The defect, therefore, was to be made good in gold and silver, and was so as long and as often as any could be found. Every colony, in its turn, was consequently drained of its specie; and, as it is an impossibility, known and avowed, for any trading community to subsist without some medium of circulation, every colony in its turn was obliged to have recourse to the same expedient of uttering provincial bills of credit, and making them answer, as far as possible, all the topical purposes of gold and silver; by which their several capitals were enlarged, the gold and silver became commodities that could be spared for exportation, and the merchants at home were paid in that gold and silver, without any provincial detriment.

Pennsylvania, however, if not the very last, was one of the last, which gave into it. It was not till the year 1722, (Keith governor,) that they made their first experiment, and even then they proceeded with the utmost caution and circumspection in every step they took.

Knowing, for example, that the danger of depreciation was the only danger they had to guard against, and that nothing but an over quantity, defect of solid

security, and of proper provision to recall and cancel them, could create that danger, they issued at first but fifteen thousand pounds; they made no loans but on land security or plate deposited in the loan-office; they obliged the borrowers to pay five per cent for the sums they took up; they made their bills a tender in all payments of all kinds, on pain of vacating the debt, or forfeiting the commodity; to keep them as near as possible on a par with gold and silver, they imposed sufficient penalties on all those who presumed to make any bargain or sale upon cheaper terms, in case of being paid in the one preferably to the other; they provided for the gradual reduction of them, by enacting, that one eighth of the principal, as well as the interest money should be annually paid. And it was not till they were convinced by experience of the utility of the measure, and the insufficiency of the sum, that they adventured to issue thirty thousand pounds more.

Such, moreover, was the benefit apparently resulting from it, such the inconveniency apprehended by everybody from the scarcity of money sure to follow a too precipitate discharge of the loans; and such the apparent growth of the province during this interval, that, in the year 1729, (Patrick Gordon governor,) it was thought advisable to increase the provincial capital by a new emission of bills to the amount of thirty thousand pounds, and to render the repayments still easier to the borrowers, by reducing them to one sixteenth a year.

Again; in the year 1739, (George Thomas governor,) occasion was taken from the discoveries repeatedly made, that these provincial bills had been counterfeited, not only to call them all in, in order to their being replaced with others of a new impression, &c.,

but also for the reasons before given, to issue the further sums of eleven thousand one hundred and ten pounds, five shillings, (which, added to the sums already in circulation, made their whole capital amount to eighty thousand pounds,) to be current for sixteen years.

Lastly; finding, that the like, or a greater sum, in case the province should grow still greater, would in all probability be always necessary, the assembly moreover provided, that so fast as any of the former borrowers should repay their provincial money, the trustees of the loan-office might reëmit the same sums during the said term of sixteen years, on the same conditions, either to them or others, without any new authority for that purpose.

And, upon the whole, it is to be observed, that the assembly, in establishing this paper currency; in taking upon themselves, as representatives of the province, to appoint the trustees and other officers charged with the administration of it; in providing that the said trustees and officers should be responsible to the province for their conduct in it; and in reserving to the assembly, for the time being, the disposition and application of the annual product, met not with any such objection from their governors, or the proprietaries, or the ministry here at home, as could excite the least apprehension of any such contest, as might either embroil the province, affect the interest, or incommode the government of it.

It is true, the proprietaries and their agents did, from the beginning, discover a repugnance to this measure, till they found themselves considered in it; like the snail with his horns, they had no sensations for the province, but what reached them through the nerves of power and profit. Profit, though ranked last, they consulted first; and, when possessed of one point, they

thought they might wrangle more successfully for the other.

If the widow Penn acquiesced in the paper money acts passed by Keith, she reprimanded him for passing them, and in a manner forbid him to pass any more.

Gordon (Keith's successor), having over and over again acknowledged his *conviction* of the *conveniences* arising to the province from a reasonable increase of their paper currency, gave the assembly to understand, in so many words, that nothing but the gratification of the proprietaries in the affair of their *quit-rents*, would prevent the opposition they were otherwise to expect to the act then before them in England.

By special contract with the several purchasers, these quit-rents of theirs were to be paid in *sterling money;* and, as it was impossible, by any provision whatsoever, to make the provincial currency answer the universal purposes of gold and silver, so no provision could hinder these metals from having the preference of paper. To convert paper into specie or bullion could not of course but be attended with some cost, and hence the proprietary remittances could not but come shorter home. When, therefore, by the eighty thousand pounds act, paper was to become the provincial establishment, they would not allow their share of the provincial advantage resulting from it (which was, at least, equal to that of the province, as will hereafter become apparent,) to be what it really was, an adequate consideration, but insisted, not only on having the difference between paper and specie or bullion made up to them, but that the difference of exchange should be made up to them also; or, in other words, that the pounds sterling due to them in Pennsylvania, should be paid to them *nett* in England.

In short, the sum of one thousand two hundred

pounds, was in this manner extorted from the province, together with an annuity of one hundred and thirty pounds, to continue during the circulation of those bills; which will serve to show, at least, that the province could not be more stubborn upon other occasions, than the proprietaries were selfish on this.

There remains yet another topic to be touched upon, which will require a more tender consideration from the reader than perhaps it may always find.

Mr. Penn and his followers were of that sect, who call themselves by the amiable and levelling name of *Friends;* and who, having been at first opprobriously called by that of *Quakers*, have been forced, by the joint tyranny of imposition and custom, to answer to it ever since.

Of these, the majority carried along with them a scruple, better accommodated to the forming of a society and preserving it in peace, than to the protecting it from those insults and depredations, which pride and lust of dominion have at all periods committed on their weaker neighbours, and from the visitation of which no system of politics, morals, or religion, hath as yet been able to preserve mankind.

All their views, purposes, and endeavours were narrowed, therefore, to the forms and uses of civil life, and to link the several parts of their own little community in the most expedient manner together.

Nor, indeed, had they at that time any other object before them; alike, to wage war against any power in alliance with England, and to correspond with any power at war with her, was expressly forbid both to the proprietary and the province, by the fifteenth section of the royal charter.

The French were too feeble in America, and too remote from Pennsylvania, to be then apprehended.

The provinces adjacent were branches from the same root, and responsible for their conduct to the same laws; and the Indians, from the very beginning, had been considered and treated as equally the sons of one common father.

Land wanted by us was a drug to them. The province, then to be allotted, peopled, and cultivated, had not been wrested from them by violence, but purchased for a suitable consideration. In the contract between the proprietary and his sub-adventurers, all possible care had been taken, that no cause of complaint should be administered to them; in trade they were not to be overreached or imposed upon; in their persons they were not to be insulted or abused, and, in case of any complaint on either side, the subject matter was to be heard by the magistrates in concert with the Indian chief, and decided by a mixed jury of Indians and planters.

The same regard to conscience, which led them into this wilderness, adhered to them afterwards; and, having thus resolved and provided never to be aggressors, and not being sovereigns, they left the rest to Providence.

Governed by principle in all things, and believing the use of arms to be unlawful, the case of defence by arms could not come within their plan.

But then, as their community was left open to Christians of all persuasions, and the conditions of union could be abhorrent to none, they might well presume on being joined by numbers, which has since happened accordingly, who, being devoid of such scruples, might be easily induced, for proper considerations, to take that difficulty out of their hands; and, as to military service under all English tenures whatsoever, no man could be compelled to serve in person, who made it his choice to serve by proxy.

Add to all this, that William Penn himself does not appear to have been under the dominion of these scruples, he having taken care in his charter from the crown (sect. 16.) to be invested with all the powers ever bestowed on a captain-general, (which were also to descend to his heirs and assigns,) "to levy, muster, and train all sorts of men, of what condition soever, or wheresoever born, and to make war and to pursue such enemies as should make incursions into the province, as well by sea as land, even without the limits of the said province, and, by God's assistance, to vanquish and take them," &c.

And, lastly, if ever involved in the quarrels of the mother country, and obliged to take their share of the common duty and the common danger, they might reasonably hope for all the protection from thence they might stand in need of, on the condition of contributing all that was in their power, consistent with their principles, towards it.

This they have occasionally done from Colonel Fletcher's time downwards; and they would have done more, if the proprietary calls and those of their deputies had not put it out of their power.

Allowing, therefore, that this unresisting principle would have been a solecism in the construction of an independent state, it was not, provincially speaking, destitute of proper palliatives.

At least, scruple of conscience is, at all times and in all cases, less blamable than the wanton experiments tried upon the province even by the proprietary's own agents; first to scatter terrors among the peaceable inhabitants, and then to plead the necessity of a military force from the effects of their own wicked devices.

Of this nature was the false alarm raised in the

Queen's time by Evans and Logan; a fact which stands charged against them, in the records of the assembly, at this very day; and which, as often as recollected, will ever suggest a fear, that a measure, so unwarrantably contended for, would, if obtained, be as unwarrantably made use of.

We have now such a summary of the state of Pennsylvania, from its origin, before us, as may render every branch of the controversy still depending familiar to us; and, as facts are best seen and understood in order of time as they occurred, we shall do our best to follow the thread as it lies.

CHAPTER V.

The Assembly grants Money in aid of the Expedition against Carthagena. The Governor enlists indented Servants upon that Occasion; and the Assembly apply the Money they had given to indemnify the Masters. They give Money towards the Public Service. The Proprietaries of Pennsylvania oppose the Bill brought into Parliament for restraining the Northern Colonies from issuing Paper Bills of Credit. The Assembly call upon the Proprietaries to contribute to the Expense of Indian Affairs, which they decline. A Bill for increasing the Provincial Paper Currency. Rejected by the Governor; and petitioned for by the Inhabitants. The Answer of the Proprietaries to the Representation of the Assembly concerning the Expense of Indian Affairs. The Assembly's Message sent to the Governor, together with the Currency Bill he had before rejected. Another Message to him concerning Indian Affairs. Governor's Message, importing his Assent to the Currency Bill, with a suspending Clause. Resolution of the Assembly not to accept this Clause, with their Reasons. Their Reply to the Proprietary's Answer to the Representation on Indian Expenses.

In April, 1740, when the paper currency of the province had been just increased, as above specified, to eighty thousand pounds, and established for sixteen years, the merchants trading to the eastern colonies of America took occasion to complain to the House of Commons, of the inconveniences and discouragements brought on the commerce of Great Britain in those parts, by the excessive quantities of paper money there issued, and the depreciated condition thereof, for want of proper funds to support its credit. The House, by way of palliative, addressed the throne to put a temporary stop to the evil, by instructing the several governors not to give their assent to any farther laws of that nature, without an express proviso, that they should not take effect, till his Majesty's approbation had been first obtained.

Such instructions were accordingly sent; and those to the governor of Pennsylvania were dated August 21st,

1740. Notwithstanding all which, the Lords of Trade and Plantations (having already in their hands a full and clear account of the currency, as established by the eighty thousand pounds act, as also of the rates of gold and silver, from the year 1700 to the year 1739, and having been moreover convinced, by the merchants trading to that province, that such a sum was not only reasonable but necessary for carrying on the commerce of the country) thought fit to recommend the said act to the royal acceptance and ratification, and ten days afterwards the Lords Justices passed it into a law.

Here the affair slept for several years, except that the assembly, in conformity to an order which accompanied the instructions just mentioned, caused a second state of their currency to be transmitted the following year to the Lords of Trade; and before it was again resumed in Parliament, the several incidents, next to be recited, took place.

When the attempt upon Carthagena was under consideration, the northern colonies were called upon to furnish soldiers for that service, and Pennsylvania among the rest. The assembly was at that time composed, as it had hitherto generally been; consequently this demand could not but be productive of scruples and difficulties in point of conscience. That, however, they might discharge all obligations at once, they voted four thousand pounds for the King's use, and the governor took upon himself to raise the soldiers.

This was a duty of office; and, if he had discharged it properly, what would have given universal satisfaction. The labor of the plantations is performed chiefly by indented servants brought from Great Britain, Ireland, and Germany; nor, because of the high price it bears, can it be performed any other way. These ser-

vants are purchased of the captains who bring them; the purchaser, by a positive law, has a legal property in them during the term they are bound for, can sell or bequeath them, and, like other chattels, they are liable to be seized for debts. Out of these, nevertheless, did the governor make his levies. A ferment ensued; the owners were tenacious of their rights; the governor stood upon prerogative as paramount to all; the dispute was brought into the courts, and such was the terror of power, that the aggrieved was forced to repair to New York for advocates.

The assembly, seeing no other remedy, thought themselves bound to defend the rights of their constituents, and did defend them accordingly, by refusing to part with their supply, unless these servants, so unjustly taken from their masters, were restored. The governor was obstinate, and so the money was at last applied, as it ought, to indemnify them for the injury they had sustained.

That, however, they might not be misrepresented or misunderstood at home, as deficient in zeal for the public, or backward to contribute to the service, they came the next year to the following vote, to wit; "The House, taking into consideration the many taxes their fellow subjects in Great Britain are obliged to pay towards supporting the dignity of the crown and defraying the necessary and contingent charges of government, and willing to demonstrate the fidelity, loyalty, and affection of the inhabitants of this province to our gracious sovereign, by bearing a share of the burden of our fellow subjects proportionably to our circumstances, do therefore cheerfully and unanimously resolve, that three thousand pounds be paid for the use of the King, his heirs, and successors, to be applied to such uses as he, in his royal wisdom, shall think

fit to direct and appoint." And the said three thousand pounds were afterwards paid into his Majesty's exchequer by the agent of the province accordingly. A free gift, if ever there was one, from subject to sovereign; and, however small, a sufficient voucher for the good intentions of those who made it.

In the beginning of the year 1745, the project against Louisburg, having been carried in the assembly of New England by a single vote only, was imparted to the assembly of Pennsylvania by Governor Shirley, with a desire that they would contribute thereto; but, though they could not be prevailed upon to take any part in an enterprise which to them appeared so desperate, they voted four thousand pounds in provisions for the refreshment and support of the brave troops who had taken the place, as soon as it was known they were in possession of it, and that such supplies were wanting.

In the beginning of the year 1746, the ministers affected to entertain a project for the reduction of Canada. By letters from the secretary's office, dated April 6th, the northern colonies were severally called upon to contribute their respective quotas towards it, which they cheerfully concurred in doing, seduced by their interests and their inclinations into a belief, that the whole line of our colonies would not be thus agitated, nor their Indian allies induced to take up the hatchet in conjunction with them, merely by way of feint to facilitate a peace.

Forces were everywhere raised by the several governors, and the assembly of Pennsylvania voted five thousand pounds for the King's use, or, in other words, as their contingent for this pretended national service. The money so voted being more than their revenue could furnish, they proposed to raise it by an addition of the like sum to their paper currency; in which case

the King would be served, the provincial capital would be so far enlarged, and the interest arising from it would, in a due proportion of time, discharge the principal.

And here began the first dispute between the governor and the assembly on this topic; the governor pleaded the instruction of 1740 as a reason, why he could not bring himself to such a *pitch of boldness* as he apprehended was necessary to the contravention of it, and therefore urged them to find out some method less exceptionable for raising the said sum; and they, willing to comply as far as possible with his scruples, so far receded from their point at that time as to issue it out of the money dormant in the loan-office for exchanging torn and illegible bills, and to replace it by a new emission of bills to the same amount, to be sunk out of the product of the excise in ten years. Upon which the governor waved the instruction, and passed the bill; five hundred men were raised and supported by it, for near eighteen months, employed chiefly in defending the frontiers of New York, when the expedition at length was dropped and the troops disbanded.

A formal bill to restrain the northern colonies in general from issuing paper bills of credit, it must be observed, had been brought into Parliament, but not perfected; and in the year 1748 again; upon which occasion the next governor of Pennsylvania, James Hamilton, Esquire, in a message to the assembly, in October, 1749, made use of the following remarkable expressions. "I take it for granted, we are all sensible of the mischievous tendency of the bill that was brought into Parliament the last year to regulate and restrain paper bills of credit in the plantations (in which there was a clause to enforce the orders of the crown in his Majesty's American dominions), and it is not improbable that something of the same kind may be offered

in the ensuing session. I persuade myself you will give your agent full instructions upon this subject, in case it should become necessary for him to oppose it; the honorable proprietaries at that time labored and with success to avert the mischiefs that threatened this province from the passing of the said bill, and I have it in command from them to assure you of their assistance upon all future occasions, wherein the welfare and happiness of the people of this province may be concerned."

This had a favorable appearance towards the province; and from hence it might well be supposed, that the issues from this source would never be productive of any deep or lasting strife.

But, though the springs had not as yet broke out with any violence, they were working their way under ground. The growing charge of Indian affairs, which lay wholly on the province, and which, on the head of purchases, as before explained, was productive of great advantages to the proprietaries, began to be the subject of public complaint; and by these suggestions of the importance of the proprietaries at home, the people were to be taught the danger of disobliging them.

But, if this was their view, it did not answer; the assembly had too much discernment to be diverted from the object before them by the interposition of another, how dexterously soever the trick was performed, and therefore proceeded, notwithstanding, to take this affair into consideration.

It is scarce necessary to intimate, that the governor and the creatures of the government did all they could, not only to discourage them in it, but also to convince them, in effect, that, according to the usual current of the world, all advantages are the prerogative of those

above, and all burdens the inheritance of those below. This may indeed be agreeable to the usual current of the world; but then, as such doctrines are not over-palatable anywhere, so in a free government like Pennsylvania, it was not to be thought they would be swallowed at all. They were neither to be convinced nor discouraged, it seems; on the contrary, they persevered, they examined, they reported, they resolved, and at last applied to the proprietaries to do what equity required, by taking a share of the charge upon themselves.

The proprietaries, on the other hand, announced in their reply, "That they did not conceive themselves to be under any such obligation, even though the people had been taxed for the charges of government; that, as not one shilling had been levied on the people for that service, it was so much less reasonable in the people to ask any thing of them; that they had, notwithstanding, charged themselves with paying their interpreter even much more than could be due to him on their account, and were also then at the expense of maintaining his son with a tutor in the Indian country, to learn their language and customs for the service of the country, as well as of sundry other charges on Indian affairs; that they had been at considerable expense for the service of the province both in England and there; that they pay the Indians for the land they purchase; and that they are no more obliged to contribute to the public charges than any other chief governor of any other colony."

In answer to this, the assembly, May, 1751, respectfully represented, "That the preserving a good understanding with the Indians was more for the interest of the proprietary estate than that of any other estate in the province, as it gave the proprietaries an opportunity

of purchasing lands on the frontiers at a low price, and selling them at a high one, which would otherwise be impracticable; that, therefore, the obligations of justice and equity being stronger than those of law, they were certainly bound by them to contribute to the expense of those Indian treaties and presents by which the good understanding so beneficial to them was maintained; that though taxes in form, for the immediate support of the proprietaries' substitute, and for defraying the charges of these Indian treaties, had not of late years been imposed on the province, the charge of all (by the interest of the paper money, which was a virtual tax, the excise, which was a real one, producing about £3000 per annum, and the tax arising from licenses of various kinds, amounting yearly to a sum not inconsiderable, and appropriated wholly to the governor's support), was paid by the province; that the assembly had always paid the Indian interpreter for his public services to his full satisfaction; that they believed future assemblies would not fail to do whatever could be reasonably expected from them in regard to his son, when he should be qualified to succeed him, as also to discharge all just debts for expenses properly chargeable to the province, whether incurred there or in England, whenever the accounts should be exhibited; that by the act forbidding all but the proprietaries to purchase lands of the Indians, they had obtained a monopoly of the soil, consequently ought to bear the whole charge of every treaty for such purchases, as the profit was to be wholly theirs; that their paying for land (bought as was conceived much cheaper on account of the provincial presents accompanying those treaties) was not a satisfactory reason why they should not bear a part of the charge of such other treaties, as tended to the common welfare and peace of the province; and that

upon the whole, as the interests of the proprietaries were so constantly intermixed, more or less, with those of the province, in all Indian treaties, and as it appeared the proprietaries thought they paid more than their share, while the people thought they paid abundantly too much, they apprehended the surest way to prevent dissatisfaction on all sides, would be to fix a certain proportion of the charge of all future provincial treaties with the Indians, to be paid by the proprietaries and province respectively; which, not only as a proposal equitable in itself, but conducive also to preserve that union and harmony between the proprietaries and people, so evidently advantageous to both, they hoped, would, on further consideration, be agreed to."

How this was received we shall see in its place.

The assembly proceeded soon after, to take into consideration the growth of the province, and the state of their commerce; and finding both to be such as required an extension of their paper currency, on the same grounds and for the same ends as at first gave rise to it, unanimously resolved to strike an additional sum of twenty thousand pounds, in order to replace defective bills, and increase the provincial capital, in proportion to the increase of inhabitants; as also to reëmit and continue the sums already in circulation.

A bill was accordingly prepared in January, 1753, and sent up to the governor (Hamilton) for his concurrence; but though that gentleman was a native of the province, with rather better qualifications for his post, and, as may be supposed, more affection for the people, than is common with governors, he had his reasons for not seeing this provincial point in the same light that the province did, and therefore returned the bill in a day or two, with his negative upon it; qualified indeed with expressions of concern for his so differing in

opinion with them, but founded in the dislike raised in Britain by the late too general and undistinguishing complaints against the plantation bills of credit, which rendered the time very unseasonable for any application to the crown concerning the extension or reëmission of theirs; and fortified by a caveat, which sounded so much the more plausible as it seemed to be drawn from their own premises, namely, that the many advantages they derived from the use of paper money ought to make them extremely careful, how they took any step which might possibly endanger it.

The assembly, on the other hand, gladly fastened on an acknowledgment so express in favor of the thing, and, from the same sense of it, declared themselves to be equally careful with the governor in the conduct and direction of it; but, having so done, they went on to say, "That, as they did not think the dislike raised in Britain of the plantation bills was so general and undistinguishing, or still so warmly subsisted as the governor seemed to apprehend, so neither did they conceive the time to be unseasonable for an application to the crown about theirs; that they were equally concerned with the governor for their difference of opinion, and, that they might not seem to act too precipitately in an affair of such importance, they chose to make a short adjournment before they took his objection into consideration."

Adjourn they did accordingly; and at their next meeting, which was towards the end of May the same year, found themselves earnestly pressed by a message from the governor on one hand, concerning Indian affairs, and, on the other, by petitions from a considerable number of inhabitants, for a further addition to their paper money, supported by a variety of allegations of the most interesting and affecting nature.

The governor's message, whether premature or not will best appear from the sequel, prepared the House to expect, "that the country of Allegany situate on the waters of the Ohio, partly within the limits of Pennsylvania, partly within those of Virginia, already was or soon would be invaded by an army of French and Indians from Canada; in which case the Indians inhabiting there, who were a mixture of the Six Nations, Shawnese, Delawares, and Twigtwees lately recommended as allies to the province by the said Six Nations, would be obliged to leave the country, and his Majesty's subjects trading with them would be cut off, &c., unless timely warned by the messengers sent to them by himself for that purpose; that Montour, an interpreter, had heard the French declaration delivered, and the reply of the Indians, which was firm and resolute, but not to be relied upon, as they were in want of all things." So far was matter of intelligence. The rest was a pathetic representation of dangers and mischiefs to be apprehended on their own frontiers, and exhortations to enable him to give the Indians assistance answerable to their exigencies.

And, upon the heels of this message, the governor also communicated to them the answer of the proprietaries to the representation of the assembly above exhibited, and which, if purposely calculated to divide the province and inflame the animosities already kindled, could not have been better framed or better timed for those fatal purposes.

Professions of attachment to the true and real interest of the province, of sparing no cost or pains whenever it should appear to them necessary to advance it, and acting such a part in considering the matter of the representation as all disinterested persons should think just, they set out with; and, having made this ground

for themselves, they proceed to charge the assembly with being actuated by ill-will to them on one hand, and a desire to ingratiate themselves with the weaker part of the electors on the other. In the next paragraph they say, after we had "ordered our governor to give you the answer which he did, to your former application, we had no reason to expect a repetition of the application directly to ourselves, as you might well suppose we had considered the matter before we had returned our first answer; and the repeating the request could only produce the repeating the answer, the occasion for which does not appear to us. It is possible, that one purpose may be in order to show more publicly this difference in opinion between us and yourselves; and, if that was ever intended, it will be convenient that we should set this matter in a clear light (although it may make our answer longer than we could wish), that the true state of the matter may appear."

They then urge the authority of the Board of Trade in justification of their former assertion, that they were no more obliged to contribute to the public charges, than the chief governor of any other colony; they will not allow that their honored father had any assistance from the people in making his purchases, or that there is the least color for pressing them so unseasonably to contribute to the public charge, seeing that the said charge did not much exceed one half of the revenue; and they not only return to their first charge, that the assembly, by so doing, could only mean to captivate the weakest of the people, and so by their assistance continue to hold their seats in the assembly, but farther, cite, as so many proofs, the time of making their first representation, which was just before an election; their printing the report and most extraordinary resolutions

on which the said representation was founded, which seemed to argue it was rather intended as an address to them, the said populace, than to the proprietaries, and the solemn repetition of the same request, as if it was a matter of great value and importance.

Take the next article in their own words. "Wherefore, on this occasion, it is necessary that we should inform the people, through yourselves their representatives, that, as by the constitution our consent is necessary to their laws, at the same time that they have an undoubted right to such as are necessary for the defence and real service of the country, so it will tend the better to facilitate the several matters which must be transacted with us, for their representatives to show a regard to us and our interest; for, considering the rank which the crown has been pleased to give us in Pennsylvania, we shall expect from the people's representatives, on all occasions, a treatment suitable thereto; and that whilst we desire to govern the province according to law only, they should be as careful to support our interests, as we shall always be to support theirs."

Recurring again to the revenue, they affected to be truly concerned for being obliged to acquaint the public with a state of it; settle that state at six thousand pounds a year, arising from the excise and the provincial bills; again assert, that the annual expense of government for a series of years, including Indian charges, amounts to little more than half that sum; and that, of all this revenue, about four hundred pounds a year only has, on an average, for twenty years past (and great part of that time during war), been expended in presents to the Indians and charges on that account, which they could not conceive to be a large sum, compared with that revenue, the manner of its being raised,

and so important a service as that of keeping the united nations of Indians in the interest of Great Britain.

They then talk of the taxes paid by their family here at home, as an equivalent to the Indian article; and then proceed in the following remarkable terms. "And at the same time that we show you that we do pay all other taxes here, that on land only excepted, we must advise you to be very careful, not to put people here in mind of that single exemption. Several proposals have been made for laying taxes on North America; and it is most easy to foresee, that the self-same act of Parliament that shall lay them on our, will also lay them on your estates, and on those of your constituents."

In the next article, having denied, that the assembly had always paid the interpreter to his satisfaction, and insisted that they themselves had gratified him when the assembly had refused to pay him what he thought his services deserved; they add, in a higher tone, "However, with respect to any expense of that sort, and many others here, we entered into them without any expectation of being repaid, and should think it far beneath us to send the accounts of them to the House of Representatives, as your agents employed by yourselves might do, for the expenses incurred by them."

Proceeding in the same style, they say in the next article, "We do not conceive that any act of assembly does, or can establish what you call a monopoly in us for the purchase of lands; we derive no right or property from any such law; it is under the King's royal charter that we have the sole right to make such purchases," &c.

It is fit the last five articles should be inserted entire; and they are *verbatim* as follows, viz.

"12. Your assertion, that treaties for land are made

at a less expense to us, on account of provincial presents being given at the same time, does not appear to us to be founded on fact; the last purchase was made on no other account, but purely to save the province the expense of making another present to some Indians, who came down, after the time that the principal deputation had received the presents intended for the whole, and were on their return back; and the land was bought very dear on that account. Other treaties for land have been made when provincial presents have not been given; and we do not or ever did desire that the inhabitants should bear any part of the expense of Indians, who come down solely at our request to consent to the sale of lands, unless they stay on other public business also; and, whenever they have come down on both accounts, we are sensible the expense has been divided in a manner very favorable to the public.

"13. We are far from desiring to avoid contributing to any public expense, which it is reasonable we should bear a part of, although our estate is not, by law, liable to be taxed. As we have already been, so we doubt not we shall always be, at a far greater expense in attending the affairs of the province, than our estate could be taxed at, if all the estates in the province were rated to the public charges, which would be the only fair way of establishing a proportion. If we were willing to consent to any such matter, the value of our estate, and of the estates of all the inhabitants, ought to be considered, and the whole expense proportionably laid upon the whole value; in which case, you will find, that the expense which we voluntarily submit to, out of affection to the inhabitants, is much more than such our proportion so laid would amount to; besides these general expenses, the first of us sent cannon, at his

own charge, to the amount of above four hundred pounds sterling, for the defence of our city of Philadelphia, neglected by a late House of Representatives; which, alone, is such a sum as the proportion of a tax on our estate would not in many years amount to. And, as this is the case, we are not disposed to enter into any agreement with the House of Representatives for payment of any particular proportion of Indian or other public expense, but shall leave it to them (to whom it of right belongs) to provide for such expense, as they shall judge necessary for the public service.

"14. As you desire to appear willing, on your parts, to ease your constituents of a small part of the Indian expense by throwing it upon us, we shall, on our part, and hereby do recommend it to you to give them a real and far greater relief, by taking off a large share of that only tax which is borne by them. As the general expense amounts to little more than three thousand pounds a year, we conceive it may very well be provided for out of the interest of the paper money, and one half of the present excise; especially, if we shall be induced, from the state of your trade (which we expect soon to receive), to consent to an increase of your paper currency, this would ease the inhabitants of about fifteen hundred pounds a year, which would be felt by many of them, when they would not be sensible of the trifle you propose we should contribute to the public expense. We have directed the governor to consent to such a law, when you shall think fit to present it to him.

"15. As we shall ever, in the first place, endeavour to promote the real interests of the good people of Pennsylvania, we make no doubt of preserving an union and harmony between us and them, unless men of warm or uneasy spirits should unhappily procure themselves to be elected for representatives, and should, for

the supporting of their own private views, or interests, influence their brethren, otherwise honest and well designing, to espouse their cause; in such case, indeed, disputes may arise, wherein we shall engage with the utmost reluctance; but even then, as we shall make the general good the rule of our actions, we shall, on all such occasions, if ever they should happen, steadily and without wavering, pursue measures the most likely to conduce to that good end.

"16. The representatives being annually chosen, we are aware that we are not writing now to the same persons who sent the representation to us; the persons most forward to push on a measure, (which, from the answer, we directed our governor to give to the former application he was desired to make to us, must be supposed disagreeable,) may not now be in the house, but may be succeeded by more prudent persons, returned for their places, who would be careful not to press a matter too far, in which the rights of the people are not really concerned; however, the answer we give must be to the representation sent us. And we desire, in any matter of the like nature, that the House will be satisfied with such an answer, as the governor may have orders to give on our behalf.

"THOMAS PENN,
"RICHARD PENN."

In the temper the assembly was in before the reading of this ungracious paper, it was but natural to expect, that they would have taken fire immediately, and proceeded at once to their own justification.

But, much to the honor of their prudence, they took a different method. They ordered it to lie on the table, together with their own votes, report, representation, &c., alluded to in it; and, returning to the two points

already before them, resolved to clear their way, by despatching them first.

These, it will be remembered, were the currency bill, returned to the House by the governor, before their adjournment, with a negative, and the governor's message with respect to the resolution of the Indians to withstand the French, in case they should be invaded by them on the Ohio.

They had also under consideration several new despatches from their agent here at home, and also an account of the value of their imports from hence; which, for the year 1749, was, in all, two hundred and thirty-eight thousand six hundred and thirty-seven pounds, two shillings, and ten pence. For the year 1750, two hundred and seventeen thousand seven hundred and thirteen pounds and ten pence. And, for the year 1751, one hundred and ninety thousand nine hundred and seventeen pounds, five shillings, and one penny. Whence it was apparent, that, for want of a sufficient currency, to invigorate the industry, and supply the wants of the province, the importations from hence were in a gradual course of declension. And, after mature deliberation on the whole matter, they again sent up their bill to the governor with the following message, viz.

"May it please the Governor,

"The governor's apprehension, at our last sitting, that the dislike raised in Great Britain of the bills of credit in the plantations, by the late too general and undistinguishing complaints, so warmly subsisted, as to make any application to the crown about our currency at that time unseasonable, induced the House, notwithstanding their different sentiments, to make a short adjournment, to consider farther of the weight of that

objection, and also of the sums by that bill proposed to be made, and continued current in this province. And now, when we reflect, that though the complaints against a paper currency, arising from the excesses of some colonies therein, were indeed at first too general and undistinguishing, so as to occasion the bringing into Parliament a bill for restraining the same in all the colonies; yet, as upon strict inquiry (a state of our currency then lying before them) the Parliament thought fit to alter the bill, and lay the restraint only on those colonies where that currency had been abused, we cannot but look on this as distinguishing in our favor; especially as we are assured, that no complaints were ever made of our currency by the British merchants, trading hither, who only could be affected by it; but that, on the contrary, they have, whenever called upon for their opinion, by the Parliament or the Lords of Trade, appeared openly and warmly in its favor, and declared (as they did in 1739, when our act for eighty thousand pounds, the present sum, was under consideration), that it was not only a reasonable sum, but absolutely necessary for carrying on the commerce of the country; which appears by the report of the said lords, made on that occasion to the council. And as the exports from Britain to this province, of which we have authentic accounts, had then, in the three preceding years, amounted to no more than one hundred and seventy-nine thousand six hundred and fifty-four pounds, nine shillings, and two pence sterling; and now in the years 1749, 1750, and 1751, they amount to six hundred and forty-seven thousand three hundred and seventeen pounds, eight shillings, and nine pence sterling; and our numbers of people, and domestic trade, and the occasion for a medium of commerce, are equally increased, there cannot, we think, be any doubt,

but the British merchants will now likewise be of opinion, that the small addition we at present propose is absolutely necessary, though they may not think it so suitable to our circumstances as a larger sum; one hundred thousand pounds of paper currency bearing by no means the same proportion to our trade now, as eighty thousand pounds did then. And it is certain, that, as the money circulating among us diminishes, so must our trade and usefulness to Great Britain, and our consumption of its manufactures diminish.

"Upon the whole, we entreat the governor to consider the distressing circumstances under which the trade, and in consequence the whole province, must languish, if, contrary to our expectations, the bill we now present him should not be enacted into a law. And we are well assured, that, as the governor has been pleased to declare his sentiments of the many advantages we derive from the use of paper money, his transmitting it home, in a true light, will make our application to the crown as effectual as it is seasonable."

The governor now demurred in his turn, and, by his secretary, gave the House to understand, that, as it was usual for the assembly to meet again in August to finish the business of the year, he chose, for that and some other reasons, to keep the bill under consideration, till that time.

In this the House acquiesced; and, having suspended all resolutions on the proprietaries' paper, and the draft prepared by a committee of their own in answer to it, till their next sitting, proceeded to the Indian affairs, and, having come to proper resolutions thereon, transmitted them also, together with the following judicious message, to the governor, to wit.

"May it please the Governor,

"We have, on all occasions, acknowledged our grateful sentiments of the governor's regard and justice towards the Indians, our allies; and we now again return our hearty thanks for his continued care, and for communicating the intelligence he has received concerning their present distresses. In pursuance of which, we have resumed the consideration of the letters laid before the House, with the message of the 16th of October last, together with the governor's late message and papers, sent down to us before and since the return of the expresses despatched to Ohio. We have also carefully examined the messenger himself, and such Indian traders, and others, who could give us any information of the numbers and designs of the forces, raised by the governor of Canada, and of the condition of the Twigtwees, as well as the other Indians, our allies, upon the waters of Ohio; and, upon mature deliberation, have resolved to contribute generously to their assistance, by a present suitable to their want of the necessaries of life.

"Though the alliance between the crown of Great Britain and the Six Nations, and the protection and assistance they expect to receive in virtue of that alliance, is more immediately under the direction of the government of New York; and although Virginia, at this time, has entered largely into the trade, and will, no doubt, on the present occasion, assist them and their allies, yet we have always endeavoured, in proportion to our abilities, by presents, as well as by obliging our Indian traders to behave with justice towards them, to preserve their friendship; and on the present occasion, notwithstanding we have the misfortune to differ in sentiments with our proprietaries in the part they ought to bear in these expenses, we have rather

considered the advantages both they and the province may receive by our liberality, which we have voted cheerfully, and recommended the distribution to the care of the governor, that the Six Nations at Onondago (upon any application to be made to him in their own behalf, or for their allies who reside to the westward, and are likely to be more immediately affected) may be satisfied, and the present intended them best answer their necessities, and our peaceable and friendly intentions."

The present was eight hundred pounds; two hundred pounds as a present of condolence to the Twigtwee nation, for the loss of fourteen of them, cut off in the preceding year, by the French and their Indians,* and the rest to be distributed by the governor among the other nations, at his own discretion.

Thus far all was calm and quiet. And at their next meeting, in the latter end of August, they received two other messages from the governor, relating to the money bill and the Indian present; the latter importing, that he had not, as yet, received any application for any purpose whatever, from any of the Indians, nor even such well-grounded advices of their wants and distresses as to induce him to make any use of the credit reposed in him; that he had, however, despatched Weiser [the interpreter] for intelligence; and that, having received advices by all who came from the westward, that the French were on their march towards the Ohio, and had

* They suffered this loss in defence of some English traders then in one of their towns. The French came with a strong body, and demanded that the traders and their goods should be delivered up to them. The Indians determined to protect them, but were overpowered by numbers; some of the traders were killed, and the rest carried away to Montreal, and afterwards sent prisoners to France. This was before the commencement of the present war, and one of the many hostilities of the like kind previous to our seizing their ships.

sent out their parties to scour the woods before them, he had not sent the present of condolence, for fear of its falling into the enemy's hands, &c.

And, as to the former, it related to the currency bill, returned at the same time with some few amendments, to which he, the governor, presumed the House could have no objection; and concluded with these remarkable expressions. "I cannot, however, but acquaint you, that, in giving my assent to this bill, I have acted rather in compliance to your repeated application, than that, in my own judgment, I could think an addition to our currency at this time absolutely necessary. I am in hopes, nevertheless, that, as the sum to be emitted is not exorbitant, it may be attended with no bad consequences to the province."

Now the principal of these amendments was the following proviso, viz. "Provided always, and it is hereby farther enacted by the authority aforesaid, that this act or any thing therein contained, shall not take effect, or be deemed or construed or taken to have any force or effect, until the same shall have received the royal approbation of his Majesty, his heirs, or successors." Which proved to be so far from being unobjectionable, that upon the question the House unanimously resolved, "not to agree to this amendment, because they apprehended it to be destructive of the liberties derived to them by the royal and provincial charters, as well as injurious to the proprietaries' rights, and without any precedent in the laws of the province." And the governor, on the other hand, adhered, "because the clause so proposed to be added was founded on the additional instruction from the Lords Justices, in pursuance of the Commons' address above specified, which instruction had been known to the province ever since January, 1740; and, consequently, they might see the reason of

his adding it was such as he could not allow himself the liberty of receding from."

And here it is to be lamented, that, while this affair was first under the consideration of Parliament, neither the proprietary nor the provincial agent thought fit to lay those clauses of their charter before the House, by which the said proprietary and the assembly are intrusted with the whole legislative power, subject to the royal revision and ratification, and may even put laws not inconsistent with their allegiance in force, for the term of five years, without it; since, in all probability, that measure would have produced some such temperament as might have prevented the broil which ensued apparently for want of it.

The assembly took the governor's reply immediately into consideration, and prepared a suitable rejoinder, in which, having interwoven the unanimous resolution just specified, they declared themselves assured, from the report of their committee, to whom they had referred both the clause and the examination of their laws, that there had not been one single instance of a law passed under such a restriction as that then contended for, from the first settlement of the province to that day. And here they might have safely stopped, if they had thought fit, seeing nothing could be added in their justification stronger than their charter claims, and such a series of practice founded upon them. But, willing to be every way fortified, they entered farther into an inquiry, why so dangerous an experiment should be then pressed upon them without the least apparent necessity. And proceeded to show, that the instruction itself was a temporary one; that, though it was directed to a governor of that province, among the rest, it neither did nor could suit their circumstances, either at that or at any other time, before or since; that this, having

been manifested to and acknowledged by the Lords of Trade, the ends of it, as to them, had been fully answered; that the said lords, in their report to the House of Commons, subsequent to that address to the throne concerning the paper currencies of America, having signified, that they would humbly propose that his Majesty would be graciously pleased to repeat his orders to his governors of the plantations, not to give their assent for the future, to any bill or bills for issuing or re-issuing paper money, proceed to say, "We hope these propositions for reducing and discharging the paper currency of the plantations, may have a good effect in those governments which are held by immediate commission under his Majesty; but we are very doubtful, whether they will produce the like effect in the charter governments, who do apprehend themselves by their particular charters and constitutions to be very little dependent upon the crown, and for that reason seldom pay that obedience to his Majesty's orders, which might be reasonably expected from them;" that, notwithstanding what is here said concerning the repetition of these orders, they had good reason to believe those orders, at least to *their* governors, had never been repeated; that a bill, in which was a clause to enforce the orders and instructions of the crown in America, had been repeatedly brought into Parliament, and as often rejected; that the governor himself had represented this bill (to restrain the issues of paper money) as of mischievous tendency; that even the very proprietaries had made a merit of opposing it; that, as in the Act of Parliament for that purpose, which did pass in June, 1751, the eastern colonies alone were included, so Pennsylvania was left in full possession of its rights, even by the Parliament itself; that, as the date of the governor's commission was many years posterior to the

date of the instruction, they hoped and presumed, he was at full liberty to pass all their acts upon the terms granted them by the royal and provincial charter, without putting them to the disagreeable necessity of examining the validity of such instructions, &c. And, lastly, as to the issue of their inquiry, concerning the necessity of contending for the present amendments, they not only declared themselves at a loss to find it out, but also called upon the governor to comply with the general voice of the people, and the repeated unanimous applications of their representatives in granting them and the province the seasonable relief provided for in the bill, by giving his assent to it as it stood.

How the governor was circumstanced may be gathered from his actions; he adhered to his amendments, and returned the bill as before, with a written message, in which he persevered in holding up the instruction as an insurmountable bar, till revoked, to the assent required of him; urging, that his predecessor had done the same in 1746; that the assembly admitted the validity of it in ordinary cases, and, without pretending to dispute, only hoped he would find himself at liberty on a reconsideration to give his assent, notwithstanding, to a currency bill, when any extraordinary emergency required it; that then, it seemed plain, they did not think an instruction, founded on an address of the commons, was either illegal or temporary, or destructive of their liberties; that, if these were then the sentiments of both governor and assembly, there was no room for the insinuation that he had been the first to press so dangerous an experiment; that, if there was no instance before of a like clause offered, there was, perhaps, no instance of the like instruction, which otherwise, it was to have been supposed, would have met with the same dutiful obedience; that a restraining instruction was,

perhaps, on no occasion so necessary as in the business of money, over which the King had peculiar prerogatives; that, if they could make it appear to his Majesty's ministry, that an addition to their currency was at that time necessary, the royal compliance was not to be doubted; that, with regard to the former currency bill by them cited, he was still of the same opinion; but that surely a very moderate share of penetration was sufficient to distinguish between an act to enforce all orders and instructions, and an instruction founded on an address of Parliament; that they would certainly allow him to judge for himself in a point recommended to his observance on pain of incurring his Majesty's highest displeasure; that he did not by any means blame them for contending for what they apprehended to be their rights and privileges, consequently could have no objection to their examining the validity of the King's instructions, provided they proceeded with such temper and moderation, as might give the world no room to repeat the charge brought against the charter governments by the Lords of Trade, of apprehending themselves very little dependent on the crown; and that, upon the whole, he was sincerely of opinion, the royal instruction was of the same force as when the late governor told the assembly, in the year 1746, he could not bring himself to such a pitch of boldness as to contravene it.

It is obvious, that the conjuring up the ghost of these departed instructions, was only to strike an awe into the assembly, and thereby prepare them for what farther practice the new orders, which could not but accompany the proprietary's paper already recited, might enjoin.

The King, the King's ministers, and the House of Commons, were authorities too big for a provincial

representative to compete with, and therefore it might be supposed their very names would serve.

But they were too wise and too steady to be amused; and the difference of language made use of by the proprietaries and their governor was alone sufficient to warrant the different conduct they observed; for, though the governor talked only of the sovereign power, the proprietaries talked only of themselves; "If WE shall be induced from the state of your trade to consent to an increase of your paper currency."

Not thinking themselves obliged, therefore, to consider what additional inducements were necessary to incline those great men to suffer their deputy to discharge the duty of his commission, the assembly chose to lose their bill rather than pay more for it than it was worth.

Accordingly, the governor's amendments being again put to the question, were again rejected unanimously; and a committee was appointed to answer his message, which they did in such a manner as showed they were more anxious to do justice to their cause than make their court to the governor.

What Governor Thomas did in passing the five thousand pounds act, they urged against what he said; the validity of instructions in ordinary cases, said to be admitted by the assembly of that time, they explain away, by saying, the distinction was only made use of to furnish the governor with a pretence, or inducement, to pass the bill; that this was not the first instruction unlimited in point of time, and remaining as yet unrevoked, which neither was nor would, as they hoped, be observed, since there was one still to be found in the council books to Governor Keith, dated July, 1723, requiring him, for the future, not to pass any private act without a suspending clause, till his Majesty's

approbation had been first obtained; that unfortunate, indeed, would the case of Pennsylvania be, if governors were never to be freed from the obligation of occasional instructions. "If the King," said they, "should judge all the purposes of his instruction answered, upon passing the paper-money bill in Parliament in 1751, we must, nevertheless, for ever continue under the burden of it without redress. And if we should suppose the governor is restricted by the proprietaries from giving his assent to the emission of any farther sum in bills of credit, as we have very little reason to doubt, if then the proprietaries should be pleased to withdraw that restriction, and leave him at liberty to pass all our acts upon the terms granted us by our charters, what will this avail, if the governor continues to think he can never be freed from the obligation of his instructions?"

More materially still, they also subjoined the articles following, viz.

"We apprehend all royal orders and instructions subject the governors to whom they are directed, and their successors too, as the governor is pleased to inform us, to the royal displeasure, unless such instructions are revoked by his Majesty's authority; and yet we cannot find that Governor Keith, to whom it was directed, or Governor Gordon his successor, or Governor Thomas, or our present governor, have ever thought themselves under any danger of incurring his Majesty's displeasure for a total neglect, and direct disobedience to the additional instruction of the Lords Justices in 1723, the original of which, we make no doubt, as well as of the instruction of 1740, is in the governor's possession; and the substance of both we know to be printed with the minutes of our House. Why then an instruction, allowed to be in force in 1723, and still unrevoked, should be of no effect, and an additional instruction of

the Lords Justices in 1740, possibly revoked by the conduct of the succeeding sessions of the same Parliament, upon whose address to his Majesty that instruction was founded, should be so strictly binding, is what we cannot apprehend."

"But if the liberty the governor contends for can mean, that we must allow him to judge for himself, how far he may or may not obey such royal instructions, at his own risk (as his Majesty's highest displeasure is threatened against him particularly) and at his own pleasure too, then we must own we are at a loss to distinguish any great difference between the mischievous tendency of an act to enforce all orders and instructions of the crown whatever, and the necessity the governor is pleased to think we are under to allow him the power of enforcing them whenever he shall think fit; with this preference, however, that we would far rather choose to submit ourselves and our cause to the King and the justice of a British Parliament, than to the mere will of our governor, whether to enforce or disregard them, however they may have answered their ends, or otherwise abated of their force; and, in the present case, we hope the governor, on reflection, will pay some regard to the judgment of the same Parliament from which the address to the crown had been preferred to issue this additional instruction, who, although requested in their next session by the Board of Trade, to address the crown again, that he would be pleased to repeat his instructions to the governors in his American colonies, have not only never complied therewith, that we know of, but have since passed an act for restraining the issuing bills of credit in those particular colonies, where, after a full inquiry, they found such emissions injurious to the trade of Great Britain, or not calculated to do justice between man and man,

and have left us, as we presume, exonerated from the burden of this additional instruction, and in full power over our laws upon the terms of our charters; and, so long as we ask nothing farther than is warranted by these, we hope it neither will nor can interfere with the royal prerogatives.

"It may be presumed, the representatives of this province, when met in their assemblies, have some valuable privileges yet left in framing their laws, to do justice between man and man, without the aid of an additional instruction; and we hope it cannot be expected that we should very easily part with those rights and depend on royal instructions, over which we are to allow the governor the power he is pleased to contend for; and we have no reason to doubt, all men of understanding and candor will prefer a regular course of laws, occasionally suited to the times, and framed by the representatives of the people, annually chosen, and assented to by their governor, to a series of instructions sent for that purpose from so great a distance.

"For our own part, we are fully satisfied and assured, that so long as we continue in our duty and loyalty to the best of Kings, who has been pleased to declare, *that nothing in this world can give him so much pleasure as to see (his subjects) a flourishing and happy people;* and neither claim, nor desire, other or greater privileges than those we have a right to, under the grant of his royal predecessors, we can have nothing to fear from a King and a British Parliament; and, as it is our duty to defend these in the best manner we are able, in the faithful discharge of so high a trust, we shall have the satisfaction of our own minds, and, we hope, the countenance of all good men, notwithstanding the governor's opinion, that the charge made against this province (among other charter provinces) by the Board of Trade, is not much to our advantage."

And having before declared their persuasion or assurance, that the governor might pass the law in question, or any other law consistent with the royal charter, without the least apprehension of his Majesty's displeasure, they finally suggest, that it must be not only a loss of time to the representatives, but a great expense to the country, to prepare bills for the governor's assent, which he was bound by private instructions from the proprietaries not to pass.

Unanimously this report was approved of; and yet, from a principle of moderation we must presume, it was left to be reconsidered by the next assembly; as also was another report, received the same day from the committee, appointed to draw up a reply to the paper last transmitted from the proprietaries, of which, as a debt both of honor and justice to the province, some account is now to be given.

Sixteen sections or paragraphs, it must be recollected, that paper was composed of; and one by one they are severally considered, acknowledged or refused.

The declaration contained in the first is acknowledged to be a noble one, and worthy the rank held by the proprietaries; the insinuation in the second is declared to be not only groundless but also injurious; the assembly, instead of opposing the proprietary interest, having consulted that interest, even in the very point in question, if it was consistent with their interest to have a good understanding with the people; to obtain which a method was proposed; to the intimation contained in the third, that, after they had ordered their governor to give the answer which he did to the former application, they had no reason to expect a repetition directly to themselves, &c., it was replied, that repetitions, when they are supported with new reasons, and contain answers to those given for refusing the request

that had been made, are justifiable in all cases, except where the persons applied to were sure to be infallibly right, or incapable of hearing reason; to the fourth, containing the opinion of the Lords of Trade, concerning the obligations incumbent on the proprietaries as chief governors, to pay a part of public charges, the committee say, that the House did not require their contribution as governors but as proprietaries, which was according to William Penn's own distinction formerly made; and considering them, as in the same paragraph is afterwards done, to be the wealthiest inhabitants of the province, it follows undeniably, that such their contributions were therefore due to the province in proportion to their substance in it; in their answer to the fifth, they both combat with and complain of a misrepresentation contained in it, as a thing unworthy the dignity of the proprietaries and chief governors of a province, urging, that they did not assert, purchases were made directly with the people's money; but only, that they were made on the more reasonable terms, because of the provincial presents attending them; and that this was advanced as an additional reason why the proprietaries should bear at least a proportional part of the expense of such presents, sharing in the first place, as they did, in the good from these treaties resulting to the whole, and engrossing, over and above, a very considerable advantage to themselves.

To the sixth, which insinuates, that the people are able enough to pay these expenses without the assistance of the proprietaries, they retort most unanswerably, that because they are able to pay, it does not follow, that, therefore, they are obliged to pay unjustly; as also, that they, the proprietaries, are as able as themselves, and asking why that reason, which, it was plain, was not sufficient to induce them to pay a part, should

be held of force enough with the people to induce them to pay the whole? After which they declare the charge against them in the said paragraph of aiming to captivate the weakest of the people, &c., to be an absolute mistake, unsupported with the least degree of probability, the proprietaries not having had any formidable share in the people's esteem for many years past, nor the supposed address to the people made, nor the representation itself published, nor even the votes on which it was founded, till after the election was over, &c.

Upon the seventh, concerning the expediency of showing a due regard to the proprietaries and their interest, they comment as follows; "That is, as we understand it, though the proprietaries have a deputy here, supported by the province, who is, or ought to be, fully empowered to pass all laws necessary for the service of the country, yet, before we can obtain such laws, we must facilitate their passage, by paying money for the proprietaries which they ought to pay; or in some other shape make it their particular interest to pass them. We hope, however, that, if this practice has ever been begun it will never be continued in this province; and that since, as this very paragraph allows, we have an undoubted right to such laws, we shall be always able to obtain them from the goodness of our sovereign, without going to market for them to a subject." They afterwards expatiate on the word *rank*, as applied by the proprietaries to themselves in the same paragraph, concerning which they say, "We cannot find on perusing the representation in question, that it contains any treatment unsuitable to their rank. The resolve of the House was, that, to prevent dissatisfactions on all sides, they should be requested, in the most reasonable and most respectful manner, to agree upon a proportion of Indian charges to be paid by them and

the province according to justice; and it may be submitted to the judgment of all impartial persons, whether the representation drawn in pursuance of the resolve was not both reasonable in itself and respectful in the manner. It was not, as the proprietaries represent it, an address to the public. It is not to this day made public. It was a private application to themselves, transmitted to them through the hands of their governor. Their true interest (which they will always find to consist in just, equitable, and generous measures, and in securing the affections of their people) was consulted in it, and one suitable means proposed to obtain that end. As to rank, the proprietaries may remember, that the crown has likewise been pleased to give the assemblies of this province a rank; a rank which they hold, not by hereditary descent, but as they are the voluntary choice of a free people, unbribed, and even unsolicited; but they are sensible that true respect is not necessarily connected with rank, and that it is only from a course of action suitable to that rank they can hope to obtain it."

Coming then to the eighth, they express their surprise at the concern affected by the proprietaries, on their being, as they say, laid under a necessity of acquainting the public with a state of the provincial revenue, the said revenue being annually settled, stated, printed, and published by the assembly, and having so been for thirty years past; adding, that, whatever reasons the proprietaries might have to make a secret of their revenue, the province had none. The manner in which the proprietaries reason concerning taxes they object to in the next place, as inaccurate and inconclusive; asserting, that taxes, how reasonably soever imposed or willingly paid, are nevertheless taxes; that all taxes ought, upon the whole, to produce more good

to those who pay them, than the same sum left at their own disposal, in which case they are no burden, &c.; and concluding thus; "After estimating our whole present revenue, as if it had been the same for twenty years past, and would certainly continue, though the proprietaries know it depends on temporary acts near expiring, the renewal of which is at best dubious, they conclude that four hundred pounds a year, for Indian expenses, is a small sum, and that we are under no necessity of being frugal, on this account, of the public money. This four hundred a year is the sum that they find has been paid on an average for twenty years past, and they take no notice of its being a growing charge, and that, for the four last years before the representation, it amounted to nearly twelve hundred a year, which we conceive disinterested persons will think a very large sum; and although the same excise might have been raised, if not half that money had been expended, it does not seem to us to follow, that the proprietaries ought not to have paid their just proportion of it; if the sum be small, their proportion of it must have been smaller; and the money so saved might have been applied to some other use, beneficial to the public, or have remained ready in the treasury for any emergency."

In return to the ninth they say, the people of Pennsylvania pay, proportionably, as much towards the support of his Majesty's government, in the shape of duties and excise, as the proprietary family, or any other subjects; indeed as much as an infant colony can bear; and more they hoped and believed the justice of a British Parliament would never burden them with; adding, "The proprietaries' exemption was not published till now at their own instance; it was made use of as a private motive to themselves only in the representation."

To the tenth, which regards the Indian interpreter, among other things equally pertinent, they say, "We suppose the instance alluded to, wherein the assembly did not fully satisfy him, must have been such as the proprietaries were concerned in by the purchase of lands; and a part might be accordingly left for them to pay." And, for themselves and all other assemblies, they declare their hope and belief, that no service from the proprietaries to the province will ever be suffered to pass without grateful acknowledgments and proper returns.

Of the proprietary right to a monopoly of land, whether from the crown or assembly, they, in answer to the eleventh article, wave all dispute; it being every way conclusive alike, "that those in whose favor such monopoly was created, ought, at least, to bear a part of the expense necessary to secure them the full benefit of it."

Lastly, having already given the concluding five articles of the proprietary paper in the entire, it is but reasonable to subjoin the entire answers, which were as follow; to wit.

"12. In the twelfth paragraph, three things appear somewhat extraordinary to your committee. 1. That the proprietaries should deny that treaties for land are made at less expense on account of provincial presents accompanying them, which we think any disinterested judge would at least allow to be probable. 2. That they should say the last purchase was made on no other account, but purely to save the province the expense of a present; as if they had no occasion to purchase more land of the Indians, or found no advantage in it. 3. That, to prove such purchases were not the cheaper on account of provincial presents accompanying them, they should give an instance in which, they

themselves say, the purchase was the dearer for want of such presents. If purchases are dearer to the proprietaries when no provincial presents accompany them, does not this clearly confirm the assertion of the assembly, that they are the cheaper when there are such presents? And does it not prove what the proprietaries deny?

"13. It appears by their thirteenth paragraph, that the proprietaries think the part they voluntarily submit to bear, and expect always to bear, of public expenses, is greater than their proportion, equitably laid, would amount to. If this be so, and they are, as they say, 'far from desiring to avoid contributing to any public expense which it is reasonable they should bear a part of, although their estate is not by law liable to be taxed,' your committee are at a loss to conceive, why they should refuse 'to enter into an agreement for the payment of any particular proportion of Indian or other public expenses,' when such agreement might save them money, and is proposed to prevent dissatisfactions, and to preserve union and harmony between them and the people; unless it be to show their utter contempt of such union and harmony, and how much they are above valuing the people's regard.

"The charge on former assemblies, that they neglected the defence of the proprietaries' city, your committee cannot but think unkind, when it is known to the world, that they gave many thousand pounds during the war to the King's use, besides paying near three thousand pounds at one time, to make good the damages done to the masters of servants by the irregular and oppressive proceedings of the proprietaries' lieutenant; and that their not providing cannon to defend the city was not from neglect, but other considerations set forth at large in the printed proceedings of

those times, needless now to be repeated. At the same time it may be remembered, that, though the defence of the proprietaries' city, as they are pleased to term it, by batteries of cannon, was more their interest (we will not say duty) than any other persons' whatsoever, and they now represent it as a thing so necessary, yet they themselves really neglected, and even discouraged it; while some private gentlemen gave sums nearly equal to that they mention, and many contributed vastly more, considering their circumstances, by which means those batteries were not only completed in season, but the defence of both town and country in that way provided for; whereas this boasted assistance of four hundred pounds' worth of cannon, was sent, like Venetian succours, after the wars were over. Yet we doubt not but the proprietary who sent them has long since had the thanks of those who received them, though we cannot learn that they ever were favored with any from him for what they did and expended in defence of his share of the province property.

"14. The fourteenth paragraph of the proprietaries' answer seems calculated merely for the same design with which they charge the representation, viz. to amuse the weaker part of the people. If they are really disposed to favor the drinkers of spirituous liquors, they may do it without a law, by instructing their lieutenants to abate half the license fees, which would enable the retailers to sell proportionably cheaper; or to refuse licenses to more than half the present number of public houses, which might prevent the ruin of many families, and the great increase of idleness, drunkenness, and other immoralities among us.

"15. In return to the good resolutions expressed by the proprietaries in their fifteenth section, your com-

mittee hope, that future, as well as past assemblies will likewise endeavour to make the public good the rule of their actions, and upon all occasions consult the true interest and honor of the proprietary family, whatever may be the sentiments or conduct of any of its particular branches. To this end, we think the honest and free remarks contained in this report, may be more conducive than a thousand flattering addresses. And we hope, that, when the proprietaries shall think fit to reconsider this matter, they will be persuaded, that agreeing to an equitable proportion of expense will be a good means of taking away one handle of dissention from 'men of warm and uneasy spirits, if such should ever unhappily procure themselves to be elected.'

"16. Yet, if the proprietaries are really desirous of preserving an union and harmony between themselves and this people, we cannot but be surprised at their last paragraph, whereby they endeavour to cut off the assemblies' access to them, in cases where the answers received from their deputies may not be thought agreeable to the public good. No King of England, as we can remember, has ever taken on himself such state, as to refuse personal applications from the meanest of his subjects, where the redress of a grievance could not be obtained of his officers. Even sultans, sophies, and other Eastern absolute monarchs will, it is said, sometimes sit whole days to hear the complaints and petitions of their very slaves; and are the proprietaries of Pennsylvania become too great to be addressed by the representatives of the freemen of their province? If they must not be reasoned with, because they have given instructions, nor their deputy because he has received them; our meetings and deliberations are henceforth useless; we have only to know their will and to obey.

"To conclude; if this province must be at more than two thousand pounds a year expense to support a proprietary's deputy, who shall not be at liberty to use his own judgment in passing laws [as is intimated to us in the fourteenth section of the answer we have been considering], but the assent must be obtained from chief governors, at three thousand miles' distance, often ignorant or misinformed in our affairs, and who will not be applied to or reasoned with when they have given instructions, we cannot but esteem those colonies that are under the immediate care of the crown in a much more eligible situation; and our sincere regard for the memory of our first proprietary must make us apprehend for his children, that, if they follow the advice of Rehoboam's counsellors, they will like him absolutely lose, — at least, the affections of their people. A loss, which, however they affect to despise, will be found of more consequence to them than they seem at present to be aware of."

CHAPTER VI.

Unanimous Resolution of the Assembly concerning the Necessity of a Reemission of their Paper Currency. Lord Holdernesse's Letter and other Papers. The Governor revives the old Controversy, concerning the Paper-Money Instruction, and demands supplies to arm the Province. The Assembly demur, and desire a short Adjournment. The Governor persists in his former Declaration. The Assembly adjourn and are again assembled by the Governor. Debates in the Assembly, and a new Adjournment. Another Session, and a Message from the Governor, accompanied with Intelligence, that the French were before the Fort built by the Virginians on the Ohio. A joint Bill for granting Aid. Amendments proposed by the Governor. Unanimously rejected by the Assembly. The Governor's Reply. A Reflection thereon. Resolutions of the Assembly, and Message to the Governor before their Adjournment. They are re-convened by special Summons. The Proceedings of the Commissioners at Albany laid before them. They prepare and present a Bill for striking Bills of Credit, which the Governor evades for want of sufficient Powers to pass it.

THE assembly, returned in October for the remainder of the year 1753, and to last till October, 1754, being composed of nearly the same persons as the last, met with the same disposition, and proceeded on the same principles.

To have a sufficient currency was, as we have seen, the great provincial point; and, from the facts already stated, it is sufficiently clear, that the proprietary concurrence therewith was not to be obtained, but upon such terms as even silver and gold could never be worth. The loan-office, which was in the hands of the assembly, was still considered as an over-balance for the land-office, in the hands of the proprietary, though they never came into competition, and no benefit could any way result to the province, but the proprietaries were sure to have their share of it.

What encouragement the near prospect of a war furnished to either, and what use was made of it, and

at whose door the obstructions given to the public service are to be laid, will best be deduced from the sequel.

With the consideration of the state of their commerce and the accumulated proofs resulting therefrom, that, with the increase of their currency, the trade of the province, as well by importations from England as the exportations of their own product, had amazingly increased, the assembly opened their sessions in February, 1754, and, taking in also the consideration of their currency with it, came to the following unanimous resolutions, to wit;

"That it is necessary that the paper money of this province should be reëmitted for a farther time.

"That there is a necessity of a farther addition to the paper money at present current by law within this province.

"That there is a necessity, that a sum should be struck to exchange the ragged and torn bills now current by law in this province."

Upon which resolutions, they afterwards ordered in a bill for striking forty thousand pounds, to be made current and emitted on loan, and for reëmitting and continuing the currency of the bills already in circulation; and, on the other hand, the governor sent them down a written message, accompanied with a letter to himself from the Earl of Holdernesse, a second from the Lords of Trade, and a third from the French commandant on the Ohio to Mr. Dinwiddie, deputy-governor of Virginia.

The Earl of Holdernesse's letter was dated August 28th, 1753, and, as it may be presumed, was nearly the same with the other letters, sent at the same time, to the governors of the other provinces.

The contents of it were, "That his Majesty having

received information of the march of a considerable number of Indians, supported by some regular European troops, with an intention as it was apprehended to commit some hostilities on parts of his Majesty's dominions in America, his lordship had received the King's commands to send him (the governor) intelligence thereof; as also to direct him, to use his utmost diligence to learn how far the same might be well grounded; and to put him upon his guard, that he might be, at all events, in a condition to resist any hostile attempts that might be made upon any parts of his Majesty's dominions within his government; and to direct him in the King's name, that, in case the subjects of any foreign prince or state should presume to make any encroachments on the limits of his Majesty's dominions, or to erect forts on his Majesty's lands, or commit any other act of hostility, he was immediately to represent the injustice of such proceedings, and to require them forthwith to desist from any such unlawful undertaking; but if, notwithstanding such requisition, they should still persist, he was then to draw forth the armed force of the province, and to use his best endeavours to repel force by force. But, as it was his Majesty's determination not to be the aggressor, he had the King's commands most strictly to enjoin him, the said governor, not to make use of the armed force under his direction, excepting within the undoubted limits of his Majesty's dominions; and that, whereas it might be greatly conducive to his Majesty's service, that all his provinces in America should be aiding and assisting each other in case of any invasion, he had it particularly in charge from his Majesty to acquaint him, that it was his royal will and pleasure, that he should keep up an exact correspondence with all his governors on the continent; and that, in case he should

be informed by them of any hostile attempts, he was immediately to assemble the general assembly, and lay before them the necessity of mutual assistance, and engage them to grant such supplies, as the exigency of affairs might require."

The letter from the Lords of Trade, was dated September 18th, and imported, "That, his Majesty having been pleased to order a sum of money to be issued for presents to the Six Nations of Indians, and to direct his governor of New York to hold an interview with them, for delivering the same, for burying the hatchet, and for renewing the covenant chain, they thought it their duty to signify the same. And, it having been usual upon the like occasions formerly for all his Majesty's colonies, whose interest or security were connected with or depended upon them, to join in such interview; and that, as the present disposition of those Indians, and the attempts made upon them to withdraw them from the British interest, appear to them to make such a general interview more particularly necessary at that time, their desire was, that he, the governor, would lay this matter before the council and general assembly of the province under his government, and recommend to them forthwith to make a proper provision for appointing commissioners, to be joined with those of the other governments, for renewing the covenant chain, &c., and that the said commissioners might be men of character, ability, integrity, and well acquainted with Indian affairs."

The letter of the French commandant was in answer to the representations of Governor Dinwiddie, concerning the French encroachments on the Ohio, (for the European regulars, mentioned in Lord Holdernesse's letter, were of that nation, though so much caution had

been used to suppress the very name,) and in very polite terms denied the whole charge.

In the governor's written message accompanying these papers, something was said of each; and of the last rather more (whatever the matter of fact really was) than it seems to contain. The French commandant says, "it belongs to his general at Canada, not to him, to demonstrate the reality of the King his master's right to the lands situated along the Ohio; that he shall forward the letter he has received to him; that his answer would be a law to him; that, as to the requisition made to him to retire, he could not think himself obliged to submit to it; that he was there by his general's orders, which he was determined to obey; that he did not know of any thing that had passed during the campaign, which could be esteemed an hostility; that, if the governor had been more particular in his complaints, he had been more particular in his answer, &c."

The governor's comment is in these words; "An express has this week brought me Governor Dinwiddie's account of that gentleman's (Colonel George Washington's) return with the answer of the commander of the fort, who avows the hostilities already committed, and declares his orders from the King of France are, to build more forts, take possession of all the country, and oppose all who shall resist, English as well as Indians, and that he will certainly execute these orders as early as the season will permit."

It is certain, at least, this language was never echoed at home; and not a little extraordinary it is, to find this gentleman in his very next paragraph, making so very free with the French name, which the secretary of state had been so extremely careful to avoid the mention of.

"Gentlemen," he proceeds to say, "French forts and French armies so near us will be everlasting goads in our sides; our inhabitants from thence will feel all the miseries and dreadful calamities that have been heretofore suffered by our neighbour colonies; all those outrages, murders, rapines, and cruelties, to which their people have been exposed, are now going to be experienced by ourselves, unless a force be immediately raised sufficient to repel these invaders. It is to be hoped, therefore, that, as loyal subjects to his Majesty, and in justice to your country, you will not fail to take into your consideration the present exigency of affairs; and, as it will be attended with a very considerable expense, and require a large number of men, make provision accordingly, that I may be enabled to do what his Majesty, as well as the neighbouring colonies, will expect from a government so populous, and likely to be so nearly affected with the neighbourhood of French garrisons."

In subsequent paragraphs, he farther informs the assembly, that the governors of Virginia, New York, and the Massachusetts had made a tender of their assistance to the province, and expressed an earnest desire to act in concert with it; enforces the necessity of a general union of all the provinces, both in council and forces; recommends the appointment of some trusty person to reside, in behalf of the province, among the Indians upon the Ohio; as also the preparation of a bill for better regulating the Indian trade, and concludes with the following stimulative, to wit;

"Gentlemen,

"There is so much to be done, and so little time to do it in, the season being so far advanced, and Governor Dinwiddie expecting the forces from this province

to join those of Virginia, early in March, on the Potomac, that I most earnestly entreat you will not delay the supplies, nor deal them out with a sparing hand, but use all the expedition in your power; for you will undoubtedly agree with me, that so alarming an occasion has not occurred since the first settlement of the province, nor any one thing happened that so much deserves your serious attention."

A treaty with the Ohio Indians, it is to be observed, had been just concluded at the expense of the province, by three commissioners, two of them selected out of the assembly by the governor; and the necessity of regulating the Indian trade had, in the course of the conferences, been made undeniably apparent, by the representations and complaints of the Indian chiefs.

And the reader will of himself be furnished with proper reflections on the Earl of Holdernesse's letters to the governors of the several provinces, imposing the double care upon them, of defending themselves against the encroachments of the enemy, and also against all objections at home, in case of doing it improperly. To say nothing of the peculiar difficulty laid both on the province and governor of Pennsylvania, where there never had been any armed force on a provincial establishment at all.

The assembly took the whole into immediate consideration, and agreed upon the following answer, which was sent up to the governor the same day, to wit;

"The distressed circumstances of the Indians, our allies, on the river Ohio, demand our closest attention, and we shall not fail to proceed in the matters contained in the governor's message with all the despatch an affair of so much importance will admit of, in which we doubt not to comply with every thing that can be reasonably expected on our part.

"In the mean time, having some days since prepared a bill, which we conceive absolutely necessary, not only to the trade and welfare of this province, but to the support of government, upon the success of which, our deliberations at this time must in a great measure depend, we now lay it before him as a bill of the utmost importance, and to which we unanimously request he would be pleased to give his assent."

Four days the governor and his council employed in considering what return should be made to it; or rather in searching out such an expedient as should force the province into the measures of the proprietaries, or else, by their refusal, embroil them with the government. In his very first paragraph he gave an absolute negative to their bill. He told them, that the product of their present funds was greatly more than sufficient for the support of government; that he hoped to find them better subjects to his Majesty, and greater lovers to their country, than to make the issue of their bill, in which he and they had an equal right to judge for themselves, the rule of their conduct. "If, however," continued he, "you should be of opinion, that there will be a necessity to strike a farther sum in bills of credit, to defray the charges of raising supplies for his Majesty's service in this time of imminent danger, and will create a proper fund or funds for sinking the same in a few years, I will concur with you in passing a law for that purpose, thinking myself sufficiently warranted so to do, in cases of real emergency.

"And now, Gentlemen, I hope you will, upon due consideration, be of opinion with me, that the chief end of your bill will be hereby, in a great measure answered, as the sum to be struck and circulated upon this occasion, will be such an addition to your present currency, as probably may be thought sufficient for some time."

The assembly also, in their turn, took a sufficient time for deliberation, and, having touched on the unusual manner in which the governor had been pleased to reject their bill, and assumed some merit to themselves, in not suffering any separate interests of their own to interfere with the common good, observed, there was some difference between the royal orders and the governor's manner of representing them; chose therefore to adhere to the former; availed themselves most prudently and sensibly of the cautions so circumstantially recommended and enforced in them, more especially concerning the undoubted limits, and the restrictions thereupon, that his Majesty may not be rendered the aggressor; said it would be highly presumptuous in them to judge of those undoubted limits; that, instead of being called upon to resist any hostile attempt made upon any part of Pennsylvania, they were called upon to grant such a supply as might enable the governor to raise forces to be ready to join those of Virginia; that therefore they hoped the governor, under these circumstances, would concur with them, that the most prudent part for them would be to wait the result of the government of Virginia, where no provision had as yet been made that they knew of, nor in any of the neighbouring colonies, though the several governors, in pursuance of the King's command, had made the necessary requisitions of their several assemblies, and they were equally bound by all the ties of general interest. They also superadded the regard due to the scruples of those conscientiously principled against war, yet deeply sensible of the blessings they enjoyed, and willing to demonstrate their duty and loyalty, by giving such occasional sums of money for the King's use, as might be reasonably expected from so young a colony; took notice they had contracted a debt of four-

teen hundred pounds for presents to the Indians, and other charges arising from the late treaty, which they should cheerfully discharge, though their proprietaries had refused to contribute any part of their Indian expenses; agreed to send commissioners to Albany, as required, though the place was so remote, and to defray the expense, &c.

The difficulty thus retorted on the governor, and his resentment it must be supposed quickened thereby, he takes up the minutes of the last day's sessions of the last assembly, and, under the pretence of justifying his own character, revives the old controversy concerning the paper-money instructions, by a long and angry paper sent to the House, March 1st; and, forgetting what he had formerly said in the following paragraph, "I do not blame you, Gentlemen, for contending for what you are persuaded are your rights and privileges, and consequently can have no objection to your examining the validity of the King's instructions," flames out as follows; "Had I been an enemy to the liberties and privileges of the people, or been desirous of gratifying my own passions at their expense, it must be confessed you have furnished me with the fairest occasion a governor so disposed could possibly have wished for. For example, you have voted a clause, proposed to be added to your bill by his Majesty's express direction, at the request of his two Houses of Parliament, to be destructive to the liberties of the people of this province, &c., and have even threatened to examine the validity of the King's instruction, if, by a perseverance in my opinion, I laid you under the necessity of doing it. What is this less than declaring, that the Lords and Commons, and his Majesty's Privy Council, consisting, among others, of the most eminent lawyers in Great Britain, have requested, and his Majesty enjoined, an act directly contrary to law?"

And he concludes with making a merit to the province of the moderation he had shown in suppressing his sense of the provocations then offered to him, in hopes of a more dispassionate behaviour for the future.

The very next day this paper was followed by another more immediately in point; the governor therein undertaking, first, to defend his negative, and the use he had made of it; and, secondly, so to turn the tables on the assembly, that all the wrong should be on their side, and all the right on his own.

The use made of the different language used by the secretary of state and him, he calls an evasion; and what they ought not, in point of duty, to have taken any advantage of. He then declares he has undoubted assurance, that part of his Majesty's dominions within his government was, at that time, invaded by the subjects of a foreign prince who had erected forts within the same; and requires them to take notice, that he did then call upon them, pursuant to his Majesty's orders, in the present emergency to grant such supplies as might enable him to draw forth the armed force of the province, &c. He then undertook to prove, that the place where the French had then their headquarters was within the limits of the province; and tells them, that if he did not communicate materials before to assist their inquiries into this fact, so neither had they applied to him for them; that if they had inquired for themselves and suppressed the truth, it was extremely disingenuous; if not, their neglect could be imputed to no other cause than a desire to have a plausible excuse for not paying a proper regard to his Majesty's commands; that even on account of the scruples urged, he had looked on Governor Dinwiddie's requisition as a very lucky circumstance, seeing that a requisition from himself would have set the prov-

ince in the front of the opposition, and a refusal from them would have exposed it to the contempt and derision, as well of the French as our Indian allies; that as the French avow these hostilities, so the Indians, menaced by them, most earnestly besought us to build places of refuge, to which their wives and children might repair for safety, and also to assist them against their enemies; that, instead of being governed by the example of the neighbouring colonies, nothing remained but to give the necessary supplies, and thereby set the example to them, this province having been first invaded and consequently in the most immediate danger; that, without this, they could neither keep their treaties with the Indians, nor demonstrate their duty and loyalty to his Majesty; that, having now done his duty, whatever ill consequences might happen, were to be laid at their door; that, with regard to the refusal of the proprietaries to contribute any part of their Indian expenses, it was true, they had refused to do it in the manner expected, and they had given their reasons; but that the proposal made by him, the governor, by their order, in the years 1750 and 1751, in regard to the building a strong trading-house near the place then invaded and possessed by the French, could not be forgot; which generous offer * had the assembly thought fit to close with, it might, at a small expense, have prevented all the mischiefs impending, and secured a country to the English, which probably might not be recovered without a heavy charge, and the loss of many lives.

Whether the hostilities committed by the French were or were not committed within the bounds of

* See the assembly's answer to this charge hereafter, in the time of Governor Morris.

Pennsylvania, became the great question. The assembly called for evidence; the governor imparted all he could collect; and, after a strict examination of the premises, the assembly chose only to glance at the inflammatories thrown in their way, and to profess their readiness to concur with the governor in whatever might preserve the harmony between the several branches of the legislature, so necessary at all times and especially at a crisis so important, so far as the preservation of their rights and the duty they owed their constituents would permit. Not departing, however, from their former sentiments, nor admitting any one of the articles laid against them; but, on the contrary, maintaining that the secretary of state's letter could be the only rule of their conduct; and tacitly upbraiding the governor for having suddenly altered the whole connexion between Pennsylvania and Virginia, in consequence of such supposed misconduct of theirs; and concluding their replication in these words; "As Governor Dinwiddie had laid before his assembly the Earl of Holdernesse's letter, sent, as we presume, in the same terms to all the colonies on the continent, we judged it most prudent to wait till the assembly of that government had enabled him to act in obedience to the royal commands, especially as they had that letter under their consideration from the 1st of November last, as appears by the journal of the House of Burgesses now before us; but we are now called upon as principals, and the governor is pleased to inform us, that he has undoubted assurance, that part of his Majesty's dominions within this government is at this time invaded by the subjects of a foreign prince, who have erected forts within the same, and calls upon us, pursuant to his Majesty's orders in the present emergency, to grant such supplies as may

enable him to resist those hostile attempts, and repel force by force. But, as it appears to us that the governor is enjoined by the royal orders, not to act as a principal beyond the undoubted limits of his government; and as, by the papers and evidences sent down and referred to by the governor, those limits have not been clearly ascertained to our satisfaction; we fear the altering our connexions with his Majesty's colony of Virginia, and the precipitate call upon us, as the province invaded, cannot answer any good purpose at this time, and therefore we are now inclined to make a short adjournment."

The adjournment they proposed was to the 6th of May; and, before they broke up, the governor again addressed them with another message, in which he also affected to wave several things personal to himself, which, at another time, he might have thought it incumbent on him to take notice of; and proceeded to tell them, that, had they examined with their usual accuracy the gentlemen, who by his appointment attended their House, and compared their testimony with the written papers at several times communicated to them, he thought it would have appeared so clear to them, that the French had lately erected one or more forts far within the limits of the province, that nothing less than an actual mensuration could have made it more evident; that, even taking it for granted, however, the forementioned encroachments were not within the said limits, yet he, having been informed by the governor of Virginia, that hostile attempts had been made on part of his Majesty's dominions, and called upon by him for the assistance of this province, it was equally their duty to grant such supplies as the present exigency of affairs required; and, that he could not but be apprehensive, that so long an adjournment would frustrate his Majesty's just expectations from them.

This message was dated March 9th; and April 2d we find them sitting by his special summons again; the occasion of which was the next day explained in the usual way by message, as follows; "I am now to acquaint you, Gentlemen, that, since your adjournment, I have received from Governor Dinwiddie, the several papers herewith laid before you; by which it will appear, that he is taking all imaginable pains for the security of his Majesty's dominions, so far as the provision made by his assembly will permit him to act; and he is very impatient to know the issue of your deliberations on this subject. I cannot therefore doubt, but that, agreeable to the profession in your message of the 27th of February, 'of being ready and willing to demonstrate your duty and loyalty, by giving such sums of money to the King's use, upon all suitable occasions, as may consist with your circumstances, or can reasonably be expected from this province;' I say I cannot doubt, but you will, with the greatest alacrity, lay hold on the present opportunity of evincing the sincerity of those professions, by granting such an aid to his Majesty, as may comport with the circumstances of the province, and be suitable to the exigence of the service. And, in doing of this, I hope you will be guided rather by the importance of the concern, than by the example of other colonies; it being found by experience to be a very ill-judged piece of economy to cramp an enterprise of this nature in the article of supplies; and that whatever is given on such occasions, short of being sufficient to accomplish the ends proposed, becomes, for the most part, a waste of so much treasure, without answering any of the purposes for which it was intended.

"I have at present only to add my request, that whatever you intend to do on this occasion, may

receive all the despatch the nature of the thing will admit of; the season of the year for action advancing so fast, that, unless our measures be speedily taken, they will, I fear, be rendered altogether unserviceable."

Upon the 5th, after many debates, it was resolved, by a small majority, that a sum of money should be given for the King's use; and what the sum should be, occasioned many debates more. Twenty thousand pounds being proposed on the 9th, it passed in the negative by a majority of twenty-five to eight; reduced to fifteen thousand pounds, it passed in the negative twenty-three to ten; reduced to ten thousand pounds, it passed in the negative twenty-two to eleven; and again reduced to five thousand pounds the next day, it again passed in the negative twenty-two to ten. Those who had hitherto led the House, voting affirmatively; and, on the contrary, those who had hitherto voted affirmatively, going over to the remainder of the negatives. And this apparent perplexity was, in their reply to the governor's message, thus accounted for; "And we now beg leave to inform the governor, that we have had that message under our serious consideration ever since it came down to the House; but, after all our debates thereupon, we find that nearly one half of the members are, for various reasons, against granting any money to the King's use at this time; and those, who are for granting, differ so widely in their sentiments concerning the sum, that there seems at present no possibility of their agreeing, except in such a sum, as, in the judgment of many of them, is quite disproportionate to the occasion; therefore, and that the members may have an opportunity of consulting their constituents on this important affair, we are now inclined to adjourn to the 13th of the next month."

According to their adjournment, the House met again,

May 6th, and were informed by the governor of the arrival of a body of French forces, consisting of upwards of one thousand men, before the fort building by the Virginians on the Ohio, and the surrender thereof. He also laid before them the despatches he had severally received from Governor Dinwiddie of Virginia, concerning the state of that province, and the succours he wanted and expected; and from Governor Delancy of New York, concerning the interest of his Majesty's colonies in general, as well as of Pennsylvania in particular, and said, "he hoped they would have their due weight with them in their deliberations and advice." The proposals made by the governors of Boston and New York for an union of the several colonies in Indian affairs, he then recommended to them earnestly, as agreeable to his own sentiments, and likely to be productive of more real benefit, at much less expense, than the method hitherto in use of making frequent and distinct presents to the Indians, &c. And he desired to be enabled to instruct the commissioners to be sent from their province, to concur with those of the other colonies, in case a reasonable plan should be offered.

A joint bill for granting an aid to the King, and replacing torn and ragged bills of credit, was the result of their first day's debate; and, after several divisions, the several sums were settled at ten thousand pounds for the King, and twenty thousand for the other purpose.

The Commons of Great Britain will not suffer a money bill to be amended; the Lords may reject, his Majesty may refuse his assent, but what they give, they give upon their own terms.

In Pennsylvania a money bill exacted from the province, by all the considerations which could affect gen-

erous minds, or intimidate weak ones, the dread of an enemy at the gates, and of incurring both the royal displeasure and the public odium, for not making a seasonable provision against his approaches, could not be accepted without amendments.

Even this bill, at such a crisis offered, and for such a service, was returned by the governor, with amendments, prefaced with a written message, of which the two following were the most material paragraphs, viz.

"Considering the royal instructions laid before the assembly last year, it must be apparent that I have, merely from a desire to oblige you, consented to raise the money intended for his Majesty's use in the manner by you proposed. And have prolonged the currency of the bills of credit, to be issued in virtue of the bill now under consideration, as far as I can think consistent with my own safety.

"And, as the fund to be established upon the foot of my proposed amendment will be more than sufficient to repay the sum granted by the bill, I can see no reason for extending the act of excise longer than four years beyond the date of its present limitation, or for burthening the people unnecessarily with a tax that possibly may not be wanted."

And these proposed amendments restored unanimity to the House; for, whereas they had been divided many ways in the course of the bill, they now acted with one will and one voice, in rejecting that concerning the excise, which manifestly took its rise from proprietary considerations only; and for the sake of which, either the service of the public was to be neglected, or the province to give up its understanding. The latter exceeded the power of persuasion, and the former they left those to answer for to whom it belonged.

Their reply to the governor on this occasion was

as follows; "The House are not inclined to enter into any dispute with the governor on the subject of his proposed amendments to the money bill; as the representatives of the people have an undoubted right to judge, and determine, not only of the sum to be raised for the use of the crown, but of the manner of raising it.

"The governor in his message of the 19th of February was pleased to tell us, 'That, if the House should be of opinion that there will be a necessity to strike a further sum in bills of credit, to defray the charges of raising supplies for his Majesty's service in this time of imminent danger, and would create a proper fund or funds for sinking the same in a few years, he would concur with us in passing a law for that purpose, thinking himself sufficiently warranted so to do in cases of real emergency.'

"On this assurance the House have prepared a bill, and presented it to the governor, to strike the sum of ten thousand pounds, to give the same to the King's use, and to sink it by an extension of the excise act for a farther term of ten years. The governor will be pleased to consider, that his predecessor, to whom the mentioned instruction was given, did afterwards pass an act of the same kind, extending the excise act ten years (now near expired) for a grant of five thousand pounds only; and we never heard that he incurred the royal displeasure for so doing. As the sum we grant is double, we had no expectation that our proposing the same term would have been deemed extravagant. The governor thinks four years sufficient; but, as the representatives are best acquainted with the circumstances of the people, and must themselves, as a part of the people, bear a share of all burthens laid upon them, it seems not reasonable to suppose they will lay

such burthens unnecessarily. They now offer ten thousand pounds to the crown, and propose a manner of raising it, that they judge most easy and convenient for the people they represent; and, if the governor thinks fit to refuse it, merely from an opinion that a shorter term for sinking the bills would be more easy for the people, we cannot but suppose, that, since the messages in which he so warmly recommended this affair to us, he has, on farther advices, or better consideration, changed his sentiments of the importance of the present occasion for supplies, and doth not now think the danger so imminent, or the emergency so great or so real, as he then apprehended it to be."

They also intimated at the same time, that, it being an inconvenient season for the members to be absent from their respective homes, they desired the governor to let them know his result as soon as possible.

And upon the next day but one this result came, and proved to be of a nature altogether extraordinary. Having charged the assembly with laying down a position in their last message, derogatory to the rights of government, in maintaining, that the representatives of the people have an undoubted right to judge and determine, not only of the sum to be raised for the use of the crown, but of the manner of raising it, he first acknowledges that right, and then whittles it away, by arguing, it was not an exclusive right; one half of the legislative powers being vested in the governor. After which he goes on to say, that he had neither objected to the sum, though he wished it had been larger and more seasonably granted, nor to the manner of raising it, though he could have also wished it had not been by compelling him to depart from the letter of his Majesty's instruction, but only to the extension of the fund, whereby the money is proposed to be

repaid, to an unnecessary length, by which a tax was to be laid and continued upon the people without the least apparent necessity; and that he was sorry to find, they were not satisfied with a fund by which the ten thousand pounds granted to his Majesty would be repaid in the easiest manner in six years, and leave a surplus of several thousand pounds in their hands to be disposed of as they thought fit; and that, for the said ten thousand pounds so granted, they were desirous of obtaining more than three times the sum for themselves; that the example of any former governor was not to be a rule for him, but that, however, if they would enlarge the sum given for his Majesty's use, he would extend the time for repaying it in the same proportion already allowed in his amendment, which he should not otherwise recede from; that it was possible more might be concealed under this solicitude for so long an extension of the excise than they were willing should be discovered; and here a paragraph occurs, which does indeed make a discovery, and which will be of singular use to the intelligent reader, through the whole course of the controversy, viz. "It is well known, that, by the laws now in force, the public money is solely in the disposal of the assembly, without the participation of the governor; nevertheless, while these acts, by which money was raised, were of short duration, the governor had now and then an opportunity of obliging the assembly in a very essential manner by a renewal of those acts, and thereby of making himself acceptable to them; but to extend them to such an unreasonable length of time as you now desire, might be to render him in a great measure unnecessary to them during the continuance of those acts, but upon terms very disagreeable to himself, as well as injurious to his constituents; to this condition therefore I will

not be the means of reducing any successor of mine; and this circumstance is of no small additional weight with me to adhere to my amendment." He then desires them to observe, that the question between them, is not, which is best acquainted with the circumstances of the people, but whether it was reasonable to burthen them with an unnecessary tax; assures them, they are exceedingly mistaken, if they really supposed he had either changed his sentiments with respect to the importance of the present occasion for supplies, or that he was less apprehensive of the dangers the province was then exposed to from the invasion of a foreign power than before; makes a merit of having gone farther in his condescensions to please them, than he was warranted to do by the King's instructions, unless they made an addition to the supply, by extending their currency a year longer than the utmost term allowed to the eastern governments by the late act of Parliament; adds, that he well knew the state of their funds, and that the loan-office itself, were the money duly collected, was able to furnish a much larger sum than the sum granted upon this important occasion, independent of the interest hereafter to accrue, &c. That, such being the favorable state of their finances, in declining to do what his Majesty so justly expected from them, merely because he, the governor, would not wholly depart from his instruction, they became more justly chargeable with a wanton disregard of his Majesty's commands, than he could possibly be with the lukewarmness imputed to him, which he had the greatest detestation of; and, with a mixture of persuasion and menace, he came to a conclusion as follows, "Let me therefore, Gentlemen, recommend to your serious attention, a review of your conduct upon the present occasion, and, if you shall find that you have been too

precipitate in the resolution contained in your message, let me entreat you to rectify it before it be too late; for, as I must be obliged soon to lay this whole transaction before his Majesty, it would give me the greatest pleasure that both you and I might receive his gracious approbation of our services. But if, contrary to my hopes, you should still persist in refusing to accept of my amendment, and the bill should by that means be lost, I cannot but apprehend some unhappy consequences to the province from your extraordinary behaviour."

There is, one would think, a magical power in government, capable not only of altering, but even reversing the forms, colors, and essences of things. To common sense it seems evident, that the people give, and the governor refuses to accept; and that the said governor, by avowing proprietary and deputy-government reasons for such his refusal, avows, that the King's service and the people's safety are but subordinate considerations. But our own eyes are not to be trusted it seems; none of this is so. If the people do not do all that is required of them, and in the manner required, they do nothing; and all the mischiefs that ensue are to be laid at their door.

The assembly were not, however, to be amused by the waving of a government wand; but on the contrary, having bestowed as much time upon the affair as was necessary for a thorough discussion of it, came to a course of spirited resolutions; of which the most material and perspicuous are those which follow, viz.

"That the raising of money for support of government and other public uses, by an excise on spirituous liquors, hath been practised in this province, with very little intermission, for more than thirty years past, and hath not been found, *communibus annis*, to produce more money than was necessary for those uses.

"That the raising money by such excise, has by experience been found less burdensome to the people, than the method of poll and pound rates; and hence the load of public expense hath been more cheerfully borne, government more liberally supported, those who serve the public better and more punctually paid, and greater sums given from time to time to the King's use, than could otherwise have well been raised.

"That if the excise act be extended but four years, and the sum of ten thousand pounds is to be sunk thereby in that term, yearly provincial taxes by poll and pound rates (always more grievous to the people) must probably in a short time become necessary to defray the usual and contingent expenses of the government.

"That if there really were, which is very uncertain, so great a sum outstanding due to the public, as, if collected, would be in the disposition of the House, and sufficient to answer the present emergency; yet, to enforce the collection suddenly, by seizing and selling the estates of the delinquent borrowers, in this time of scarcity of money, when so many plantations, being offered at once to sale, could not probably find a sufficient number of good purchasers, and must consequently sell for much less than their real value, would be cruel, oppressive, and ruinous to the people.

"That the right of judging and determining, not only of the sum necessary to be raised for any public service, but of the time and manner of raising it, and term for paying it, is solely in the representatives of the people; and that the governors of this province have not, nor ever had, nor can have, any right to interfere therein, under pretence of rectifying mistakes, easing the people, or any other pretence whatever.

"That a just, upright, and prudent administration of

government, will always be the best and most effectual means of obtaining and securing the affections of the people; and that it is neither necessary nor expedient to deny the present assembly the exercise of their just rights, that a future governor may have an opportunity of obliging a future assembly by permitting it.

"That an act of Parliament made expressly to remedy disorders in the eastern governments, and in which this province is neither named, nor intended, cannot by any construction be supposed binding on the governors or assemblies of Pennsylvania.

"That to refuse a grant of ten thousand pounds to the King's use at this critical juncture, when the service of the crown, and the welfare, present and future, of all the British colonies, seem to the governor so eminently to demand supplies, merely from an opinion in the governor, that he can judge better than the people's representatives what is most for their ease, or that a future governor may have an opportunity of making himself acceptable, appears to this House to be sacrificing too much to considerations of uncertain and small moment.

"That we have now offered the governor a bill for granting ten thousand pounds to the King's use, to be sunk by extending the excise for ten years, (a bill of the like tenor of that of 1746 [passed by Governor Thomas] for granting the sum of five thousand pounds to the King's use, to be sunk by extending the excise for ten years,) to which he has been pleased to refuse his assent.

"That as the governor [in his message of the 1st of March last] acknowledged the term of ten years, for extending the excise to sink the five thousand pounds, was, 'a short space of time,' and that 'there was not the least probability of that act's producing

any of the inconveniences complained of;' the same term of ten years for extending the excise to sink ten thousand pounds, must, in consequence, be allowed a 'short space of time'; and, the bill he now refuses being of the same tenor, there cannot be 'the least probability of its producing the inconveniences complained of; the preventing of which for the future appears clearly [to the governor] to have been the sole end and purpose of the royal instruction.'

"That the governor having, as he hoped, [to use his own words] 'incontestably proved, that the true and real intention of the royal instruction could have been no other than to guard against the abuses enumerated in the body of it; and the act for granting five thousand pounds for the King's use, passed by the late governor, in 1746, being of a singular and quite different nature from acts passed upon ordinary occasions, could not be comprehended within the meaning of the said instruction'; the bill now offered to the governor for granting ten thousand pounds for the King's use, being also of a singular and quite different nature from acts passed upon ordinary occasions, and of the same tenor with the act passed in 1746, cannot be comprehended by the governor (unless he has very lately altered his opinion) to be within the meaning of the royal instruction; and therefore,

"That it is our opinion, that if the governor is restricted by any instruction from passing this bill, it must be by some instruction which he has never been pleased to lay before this House, — and not the royal instruction, the operation of which, against bills of this tenor, he hath so effectually invalidated.

"That this House will this day adjourn to the 19th day of the month called August, next."

Before they adjourned, however, and without any

mention made of these resolutions, they addressed the governor by message; in which, having civilly and thankfully observed the care he had taken, to obtain the best intelligence he was able of what was proposed to be transacted at the ensuing treaty to be held at Albany, &c., they proceeded as follows; "And as he has been pleased to request our sentiments on the instructions to be given the gentlemen commissioners on the part of this province, 'to which he will pay the greatest regard,' we can do no less than return him our grateful acknowledgments for his condescension and justice; and would cheerfully comply therewith at this time. But when we consider, that no propositions for an union of the colonies, in Indian affairs, can effectually answer the good purposes or be binding farther than they are confirmed by laws, enacted under the several governments comprised in that union; that we know not what restrictions the governor may lie under in passing our acts; and that we have very little reason to depend upon any assistance in our Indian expenses, where, by a former assembly, it has been respectfully addressed for, and where we think in justice we have a right to expect it; we are, under these circumstances, at a loss to advise him on the important articles he has been pleased to propose to our consideration. Nevertheless, as we have already declared our satisfaction in the gentlemen the governor has been pleased to name for this commission, so we confide in their abilities and prudence to answer the ends proposed in the letter from the Lords of Trade, of the 18th of September last, by renewing at this interview the covenant chain with the Six Nations, and by frustrating, as far as lies in their power, any attempts which have been made to withdraw them from the British interest; and for this purpose, in compliance

with the said letter from the Lords of Trade, we have now granted a present to be made to those Indians on our behalf, however inconvenient we may judge it to hold our treaties at Albany on other occasions."

Lastly; the governor also, on his part, desired the members sent with this message to acquaint the House, that, as some parts of the minutes of that session might be necessary to be mentioned in the representation the governor found himself obliged to make to his Majesty, in answer to his royal order in relation to the invasion of his dominions by the French and their Indian allies, he desired the House would order a copy thereof to be delivered to him; and an order was thereupon made, that the said minutes might be delivered to him accordingly.

Their next meeting was on the 7th of August following, by special summons; upon which occasion the governor, having sent for the House, acquainted them with Washington's defeat, and in the most solemn manner (his words) recommended to them a cheerful and vigorous resolution of dislodging from the *neighbourhood* of their settlements [not the settlements themselves, or parts unsettled *far within* the limits of the province, as before confidently asserted from *undoubted assurance*] not indeed as principals, but in concurrence with the government of Virginia, when the determinations taken there should be communicated to them;— urging, that in the mean while it would be highly expedient to take into consideration the most proper ways and means of raising a supply for this service; and that, in doing thereof, they should industriously avoid whatever might be likely to occasion any difference of opinion between him and them to the detriment of the common cause, &c. That some provision should be made for the support of such Indians as, flying from

the enemy, had taken refuge amongst their brethren of Pennsylvania; that the inhabitants on the frontiers, had also, by their petitions applied to him for protection; that the defenceless state of the province in general, demanded their special consideration; that it was become his indispensable duty to press it upon them accordingly, &c. And in the close of all he expressed himself as follows;

"It is with great satisfaction, that I now communicate to you the proceedings of the commissioners at the late treaty at Albany; as, on perusal thereof, you will clearly perceive, that the lands on the river Ohio do yet belong to the Indians of the Six Nations, and have long since, been by them put under the protection of the crown of England. That the proceedings of the French in erecting forts on that river, and in the countries adjacent, have never received the countenance or approbation of those nations; but, on the contrary, are expressly declared by them to have been without their privity or consent. That they are greatly alarmed at the rapid progress of the French, and in severe terms reproach us with supine negligence, and the defenceless state of our possessions; and, in effect, call upon us to fortify our frontiers, as well for the security of their countries as of our own. That, after a due and weighty reflection on these several matters, with many others of equal importance, the commissioners thought it necessary to consider of, and draw up a representation of the present state of the colonies; and from thence, judging that no effectual opposition was like to be made to the destructive measures of the French, but by a union of them all for their mutual defence, devised likewise a general plan for that purpose, to be offered to the consideration of their respective legislatures.

"And as both those papers appear to me to contain matters of the utmost consequence to the welfare of the colonies in general, and to have been digested and drawn up with great clearness and strength of judgment, I cannot but express my approbation of them; and do therefore recommend them to you, as well worthy of your closest and most serious attention."

The particulars contained in this speech were also enforced by several papers communicated at the same time; and the House, taking the premises into consideration, after various debates, divisions, rejections, &c., agreed to a bill for striking the sum of thirty-five thousand pounds in bills of credit, and for granting fifteen thousand pounds thereof for the King's use, and for applying the remainder to the exchange of torn and ragged bills; which, being presented to the governor, produced the following answer, viz.

"The governor promised himself, from the request he made to the House in his speech at the opening of the session, that (considering the importance of the occasion) they would have fallen upon some method of raising money for the King's use, to which he might have had no material objection; and could not help therefore being extremely mortified at finding the bill, now presented him for that purpose, to be not only formed on the same plan, but to be nearly of the same tenor with that to which he refused his assent at their last meeting. He has nevertheless complied with the proffer he then made them, and has agreed to extend the fund they have chosen to raise the money upon, in the same proportion as they have increased the sum granted to his Majesty. But the House is peremptory, and will admit of no alteration in their bill. All then that remains, after assuring them that the governor, lest the King's service should suffer, has strained his

powers even beyond what he almost dares think consistent with his safety, is, to submit our respective conduct to the judgment of our superiors. But he hopes this also may be rendered unnecessary by the arrival of the gentleman that is to succeed him in the administration, who may every day be looked for among us; and who may possibly think himself more at liberty with respect to the matter in controversy, than the governor can presume to do. In the mean while it is hoped no considerable detriment may arise to his Majesty's affairs in the short interval between this and the time of his actual arrival.

"So much has already been said upon this subject on another occasion, that the governor declines any farther enlargement thereon, as well knowing that public disputes of this nature frequently terminate in private animosities, which he is very desirous of avoiding; and therefore only expects from the House, that they will do him the same justice he is willing to do them, in supposing him to act from his judgment, when he tells them that he cannot recede from his amendments."

This was the last act of Mr. Hamilton's government. Weary of a service, which he found incompatible, if not with his notions of honor, at least with his repose, he had desired to be dismissed; and was succeeded by Robert Hunter Morris, Esquire.

CHAPTER VII.

Governor Morris's Arrival at Philadelphia, and first Speech to a new Assembly. The Assembly's Answer and Adjournment. Being assembled again, the Governor in his Speech requires them to raise and keep up a considerable Body of Troops. They present a Bill for raising Forty Thousand Pounds on the former Plan. The old Instruction, and an Opinion of the Attorney-General's pleaded by the Governor in Bar of his Assent. A Message from the Assembly, fully demonstrating that Pennsylvania was not comprehended in the Instruction insisted upon; also desiring a Sight of the Instructions he himself had received from his Principals. A second Message, in which they call upon the Governor to give his Assent to the Bill. The Governor's Reply, declining the Bill as before, and evading the Communication of his Instructions. The Assembly's Rejoinder, justifying the Requisition they had made of his Instructions. The Governor questions their Right to have these Instructions laid before them. The unanimous Resolutions of the Assembly concerning the Proprietary Instructions, in which they declare it as their Opinion, that the said Instructions were the principal if not the sole Obstruction to their Bill. A Brief of the Governor's Surrejoinder. Some general Remarks.

In the beginning of October, 1754, much about the time of Mr. Morris's arrival at Philadelphia, a new assembly was to be chosen in the course of the year, and had been chosen accordingly.

To these summoned, according to form, up to his council-chamber, the new governor made a short speech, importing, "his persuasion that the proprietaries had nothing more at heart than the welfare and prosperity of the people; his own self-flattery, that it was from the opinion, that they had entertained of his disposition to promote the general happiness to the utmost of his power, they had made choice of him; the resolution he had taken not to disappoint them; assurances, that he should upon all occasions be studious to protect the people committed to his charge in their civil and religious privileges, and careful to maintain the just

rights of government, as equally conducive to the public good; a recommendation, in particular, of the state of the frontier, both of that and the neighbouring governments, where they would find the French acting with a steady uniformity and avowed resolution to make themselves masters of the country; an interspersion of certain stimulatives, drawn from a contemplation of the miseries they would be exposed to, in case they suffered the enemy to strengthen themselves in their posts; and an earnest call upon them, in his Majesty's name, to exert themselves at that critical juncture in defence of their country. And, lastly, a declaration, that if they should find any laws wanting for the better government of the province, he should be ready to enter upon the consideration of such as they should propose, and give his consent to such as he should think reasonable."

More doubts than confidence, it may be presumed, this speech excited; for the assembly having, upon the report, bestowed some time in the consideration of it, thought fit to call for a copy of the governor's commission, as also of the royal approbation, before they proceeded to answer it.

This answer was also as dry, and as cautiously worded, as the governor's speech. They echoed back what parts of it they could; and they joined issue with the governor in promising, with the same sincerity, to contribute every thing in their power to support him in the exertion of the just rights of government, conducive to the good ends by him specified. After which they proceeded in these words; "The encroachments of the French on his Majesty's territories, and their hostile proceedings in this time of peace, are truly alarming; and, as they have been long since known in Great Britain, we were in hopes, on the governor's arrival, to have received instructions from the crown how to con-

duct ourselves on this important occasion; but, as we have not had any such laid before us, the royal order sent to the several colonies by the Earl of Holdernesse, in his letter of the 28th of August, 1753, appears to be the only rule by which we can now act with safety. And, as we find our late assembly did what was most consistent with the trust reposed in them to comply therewith, the governor may likewise depend upon our doing whatever can be reasonably expected from us for the good of this province, or the general interest of the British colonies on the continent, whenever our assistance can be applied to any valuable purpose. But at present, as we know not where to direct our aid, and as this has not been the usual time of doing business, occasioned by the governor's being obliged to give his attendance elsewhere, we are inclined, if he has no objection, or any thing farther to lay before us, to make a short adjournment; and if, during our recess, any matters of importance should come to his knowledge, we shall cheerfully attend the governor's call of our House, and contribute our assistance for the public good."

The result was, that the governor thanked them for their speech, and concurred in their proposition, upon which they adjourned accordingly.

In the beginning of December they met again, and then the governor communicated a letter from Sir Thomas Robinson, secretary of state, dated July 5th, 1754; by which it appears, that, for upwards of ten months, the case of the northern colonies, actually invaded by the French, had not been made the foremost point of consideration here at home; and, that the Americans were in a sort of disgrace at court, for not having broken through all the cautions laid upon

them before, and assumed and exercised all the powers of government in taking care of themselves.

Let the reader judge for himself.

"Whitehall, July 5th, 1754.

"SIR,

"Your letter of the 25th of November last, in answer to the Earl of Holdernesse's of the 28th of August, having been received and laid before the King, I am to acquaint you, that it is his Majesty's express command, that you should, in obedience thereto, not only act vigorously in the defence of the government under your care, but that you should likewise be aiding and assisting his Majesty's other American colonies to repel any hostile attempts made against them; and it was with great surprise, that the King observed your total silence upon that part of his Majesty's orders, which relates to a concert with the other colonies, which you must be sensible is now become more essentially necessary for their common defence, since the account received by you from Major Washington, with regard to the hostilities committed by the French upon the river Ohio; which verify in fact what was apprehended when the Earl of Holdernesse wrote so fully to you in August last, and which might have been in great measure, if not totally, prevented, had every one of his Majesty's governments exerted themselves according to those directions, the observance whereof I am now, by the King's command, to enforce to you in the strongest manner.

"I am, &c."

The governor also accompanied this letter with a speech, in which occur the following curious particulars, viz.

"From the letters and intelligence I have ordered to be laid before you, it will appear that the French have now, at their fort at the Monongahela, above a thousand regular troops, besides Indians; that they are well supplied with provisions, and that they have lately received an additional number of cannon; that their upper forts are also well garrisoned and provided; and that they are making a settlement of three hundred families in the country of the Twigtwees, at the southwest end of the Lake Erie.

"From those papers you will likewise be informed of the use they have made of their last year's success among the Indians of the Six Nations, having prevailed with many of them to remove to Canada, who will either be neuter in the present dispute, or take up arms against us, while such few of the Indians, as still retain their attachment to the English, dare not be active for us, till they see a force in the field superior to that of the French; and if that be not soon, they will certainly give up our cause, and embrace the tempting offers made them by the French.

"Gentlemen, it is now several years since the French undertook this expedition, and we have long had full intelligence of their designs, and of the steps they have taken to carry them into execution; their progress indeed has been very surprising, owing chiefly to the inactivity of the English colonies, who, I am sorry to say, have looked with too much indifference upon an affair that must end in their ruin, if not timely prevented."

Poor colonies! Exposed on one hand; censured on the other.

In a subsequent paragraph he also proceeds as follows;

"These encroachments of the French upon the

territories of the crown of Britain in America, have turned the eyes of Europe to this quarter of the world, as it is uncertain what effects they may produce. The conduct, therefore, of these colonies will be more than ever the object of their attention, and ours in particular who are most immediately concerned; for whether the French forts are within the particular limits of this province or not, I look upon to be very immaterial in the present case, though in my opinion they are clearly so. But be that as it may, our situation at present is certainly very alarming; the French on our borders are numerous, strongly fortified, well provided, and daily increasing; the small body of English troops on the frontiers, weakened by the desertion from the independent companies, and the want of discipline in the new levies; the Six Nations of Indians, formerly our firm friends, divided among themselves, many of them gone over to the French, and others wavering and in doubt whether to follow their brethren, or continue with us; the neighbouring provinces (except Virginia), though nearly interested in the issue of the present affair, either contributing nothing towards the common cause, or sparingly; and, though Virginia has indeed given thirty thousand pounds, yet it will avail but little, unless a considerable body of troops be sent from this province, and kept up till the work is done.

"Permit me therefore, Gentlemen, to press this matter upon you; exert yourselves upon the present occasion, dissipate the cloud that hangs over your country, and save her from the threatened destruction. His Majesty, ever anxious for the welfare of all his subjects, excites and commands us; the eyes of a British Parliament, of the people of our mother country, of the other American colonies, and even of all Europe, are upon us; and the fate of this country, the happiness or misery

of your posterity, very much depend on your resolutions."

Thus Pennsylvania alone must be put in the front of the battle, must undertake for all, pay for all, &c., and is goaded on so to do by the very proprietaries and their deputy, who should have stood in the gap, and endeared themselves to the province, by endeavouring to have the load laid as equally on the whole continent, and the effort made as general, as possible.

It is visible, the governor's name signified nothing, whether Hamilton or Morris, except that the hardest driver was sure to be the best thought of by his employers; and it was but natural, that the assembly should be as resolute to continue the province in such a state as might render it worth preserving, as they were willing to contribute whatsoever they properly could towards its preservation. Pennsylvania was more dear to them for the excellency of its constitution, than the excellency of its soil; and, whatever the narrow notions of proprietaries may be, as the liberty of the province is diminished, the value of their possessions in it will diminish in the same proportion.

To discharge all duties at once, therefore, they again put the demands for the general service, and those for the particular interest of the province, upon the same footing, by the old expedient of a currency bill, providing for striking the sum of forty thousand pounds in bills of credit; one moiety for the King's use, and the other for replacing damaged bills, which they sent up to the governor for his concurrence, with a written message, of which what follows was the most material part.

"Though we hope the number of the French and their Indian allies, mentioned in George Croghan's letters, are full large, yet the uncommon efforts they have

made towards obtaining a possession on that part of his Majesty's dominions are truly alarming, and dangerous to the British interest in North America; and we have good reason to believe the sums granted the King by our late assembly, had the then governor been pleased to pass the bills offered to him for that purpose, 'might in a great measure, if not totally, have prevented the bad situation of our affairs at present,' and have placed our duty to the best of Kings, as we desire it should always appear, among his most loving and loyal subjects. And for this reason, it is with concern we find, by the abovementioned letter from the secretary of state, 'that it was with great surprise the King had observed, in our late governor's answer to the Earl of Holdernesse, he had been totally silent on that part of his Majesty's orders, which relate to a concert with the other colonies.' But, as we have great confidence in our governor, that he will at all times afford us all good offices and protection, and will be pleased to represent us and our affairs in a favorable light, as we hope he may do with great justice; so, on our part, we shall not fail to contribute every thing in our power to answer all reasonable expectations from so young a colony, so far as is consistent with our civil and religious liberties; beyond which, under so good a King, we are well assured nothing further will be asked or expected from us; and, in return for the governor's justice and protection, it will give us particular pleasure to make his administration in this province easy to himself, and honorable to all."

Amazing was the answer by the governor, on the sixth day afterwards returned; for having, at his very outset, taken shelter under the old exploded instruction to Governor Thomas, and Ryder the attorney-general's opinion upon Governor Hamilton's case, de-

livered in the following compendious manner; "I am of opinion, it is by no means safe or advisable, or consistent with his duty, to pass such bills, without a suspending clause;" and suggested, that he could not by any means agree to the said bill, because forbid by the said instruction, without such a clause; he then proceeded to say, "However, as the act of Parliament restraining the four eastern governments from emitting paper currency, gives them a power to strike bills of credit in case of emergency, I hope I shall be justified in thinking the reason holds good as to us who are in the greatest danger, being already invaded by the French, and in immediate expectation of outrage from the Indians in their alliance. I will therefore join with you in any bill for striking what sum you shall think our pressing occasions demand, provided a fund be established for sinking the same in five years.

"I am exceedingly obliged to the House for their kind sentiments with regard to me, and shall make it my peculiar care so to act as to merit the continuance of their good opinion; and can truly say, it is no small mortification to me to be obliged to differ in opinion from the representatives of the province, who, I am convinced, act from upright motives, and what they esteem to be its true interest; but would willingly hope, when they come to reflect on the obligations I am under to pay obedience to his Majesty's instructions, that they will not press me to disobey them; especially when they consider, that, should I disregard my own honor and safety in passing a bill circumstanced as this is, there is great danger of its being disapproved by his Majesty; and what loss and confusion such an event would cause in the province, by the paper bills becoming of no value, I need not particularly mention."

From the year 1740 down to the time of this

altercation, his Majesty's ministers had never once interfered in this dispute; nor in these requisitions from the secretary's office, in the King's name, of aids from his American subjects, is the least trespass on the right of the subject, by any injunction direct or indirect concerning the mode of raising these aids, to be traced; and yet this petty proprietary governor dares to make a bugbear of his Majesty's disapprobation, at the same time, and in the same breath, that he leaves a gap for dispensing with the very instruction he pleads, provided the proprietary turn is served, of reducing the term to five years.

It is moreover reasonable to think the governor had in his hands at this very time a third letter from the secretary of state, now Sir Thomas Robinson, dated October 26th, 1754; for, on the very next day after this message was delivered, he sent down a copy of the said letter to the House, accompanied with another written message, so timed and constructed as to render it as embarrassing as possible.

This third letter imported, that the ministers had at last come to a resolution of taking some measures of their own for the defence of America. Amongst others, it was said the King had commanded two regiments of foot, consisting of five hundred men each, to repair to Virginia, there to be completed to seven hundred; as also to send orders to Governor Shirley and Sir William Pepperell, to raise two regiments of one thousand men each, for which officers were to be appointed, and to repair to America forthwith; all to be commanded in chief by a general officer of rank and capacity, accompanied by a deputy-quartermaster-general and a commissary of the musters, who were likewise to set out as soon as conveniently might be, in order to prepare every thing for the arrival of the

regiments to be sent, and those to be raised. What follows is in the very words of the letter, viz.

"You will receive from that general, and the other officers just mentioned, a full and exact account of the arms, clothing, and other necessaries, to be sent upon this important occasion; as likewise of the ordnance stores, and of the officers and attendants belonging thereto; all which, being ordered for this service, are such proofs of his Majesty's regard for the security and welfare of his subjects in those parts, as cannot fail to excite you to exert yourself, and those under your care, to take the most vigorous steps to repel your common danger; and to show that the King's orders, which were sent you last year by the Earl of Holdernesse, and were renewed to you in my letter of the 5th of July, have at last roused that emulation and spirit, which every man owes at this time to his Majesty, the public, and himself. The King will not therefore imagine, that either you, or the rest of his governors, will suffer the least neglect or delay in the performance of the present service, now strongly recommended to you, particularly with regard to the following points, viz. That you should carefully provide a sufficient quantity of fresh victuals, at the expense of your government, to be ready for the use of the troops at their arrival; that you should likewise furnish the officers, who may have occasion to go from place to place, with all necessaries for travelling by land, in case there are no means of going by sea; and that you should use your utmost diligence and authority in procuring an exact observance of such orders as shall be issued from time to time, by the commander-in-chief, for quartering the troops, impressing carriages, and providing all necessaries for such forces as shall arrive, or be raised within your government.

"As the articles above mentioned are of a local and peculiar nature, and arising entirely within your government, it is almost needless for me to acquaint you, that his Majesty will expect, that the charge thereof be defrayed by his subjects belonging to the same. But with regard to such other articles, which are of a more general concern, it is the King's pleasure, that the same should be supplied by a common fund, to be established for the benefit of all the colonies collectively in North America; for which purpose you will use your utmost endeavours to induce the assembly of your province to raise, forthwith, as large a sum as can be afforded, as their contribution to this common fund, to be employed provisionally for the general service of North America, particularly for paying the charge of levying the troops to make up the complement of the regiments above mentioned, until such time as a plan of general union of his Majesty's northern colonies, for their common defence, can be perfected.

"You will carefully confer, or correspond, as you shall have opportunities, upon every thing relative to the present service, with the said general, Sir William Pepperell, and Governor Shirley, or either of them; and, as it is the King's intention to give all proper encouragement to such persons who shall engage to serve upon this occasion, you will acquaint all such persons, in the King's name, that they will receive arms and clothing from hence, and that they shall be sent back, if desired, to their respective habitations, when the service in America shall be over.

"As the several governors in all the King's provinces and colonies in North America will receive, by this conveyance, a letter to the same effect with this which I now send you, they will be prepared at the

same time to obey his Majesty's commands. And I am to direct you to correspond with all or either of them occasionally, as you shall find it expedient for the general service."

It is plain by the general drift of this letter, that it related equally to every governor and every government of North America; and yet the governor of Pennsylvania did his best to narrow the application of it to Pennsylvania only. These are his words; "You will observe by the secretary of state's letter, that it is his Majesty's pleasure, we should contribute as far as we can to the having about three thousand men in readiness to enlist; that we should provide a quantity of fresh provisions for the troops, and necessaries for the officers that may have occasion to travel by land; that the orders to be issued by the commander-in-chief for quartering the soldiers, and impressing carriages, should be carried into exact execution; and that all necessaries should be provided for such troops as shall arrive, or be raised within this government. His Majesty expects, that, as the several articles above mentioned are of a local and peculiar nature, and arising entirely within this government, that the charge thereof should be defrayed by his subjects within the same."

To both these messages the assembly immediately applied themselves to prepare suitable answers; and, beginning with the first, among other things said, "We have the misfortune to differ in opinion from the governor, after considering the case maturely as it now lies before us; nevertheless, we do assure him, that, though in a matter of small importance we might not, perhaps, be very tenacious of our own sentiments, yet, in this case, our all is concerned, and if we should not act becoming the rights our birth as Englishmen entitles us to, we might appear unworthy of the regard we

have already experienced, and have good reason to hope for hereafter, from a British Parliament."

"It appears that the case, as stated to the attorney-general, regards only emissions of bills of credit on common and ordinary occasions; and, in our opinion, very little, if at all, affects the present bill; and it is remarkable, that there is not the least notice taken of the act for granting five thousand pounds for the King's use, which Governor Thomas passed without a suspending clause, by extending this very excise act for ten years, which we have now again extended for the same term of years only, and loaded it with a grant of twenty thousand pounds.

"As Colonel Thomas gave his assent to that act after the receipt of the additional instruction, which the governor has now sent down with our bill, and as we presume he has no other or later instructions from the crown, though he has since received the royal approbation, we hope he will not think himself more restricted by it, than the gentleman to whom it was immediately directed; who has never suffered in his honor, that we know of, or incurred the King's displeasure, for giving his assent to that bill, and at this time holds a government of great importance under the immediate powers of the crown.

"Governor Hamilton, we find, entered into bonds and penalties, (among other things) 'that he shall from time to time, and all times, hereafter, so long as he shall continue lieutenant-governor of the said province, observe, perform, and obey all such directions and instructions, which now are, or shall at any time be, given or sent to him by his Majesty, his heirs, and successors, or from any person or persons, now acting, or that hereafter shall act, by authority from his Majesty, his heirs and successors, and pursuant to, and for

the putting in execution, the several acts of trade and navigation; relating to the plantations,' &c.; which bond, or bonds of the like tenor, we presume our governor may have entered into before he received the royal approbation; and yet our late governor seems clearly, in his reasoning with former assemblies, to have acknowledged he thought himself at liberty to pass acts of the tenor of our present bill for granting money for the King's use; and never offered a suspending clause, notwithstanding his bonds to the crown; but whether he might, or might not, be safe in passing a bill of the kind mentioned in his state of the case, could regard himself only, and does, by no means, determine the rights we claim under the royal charter. And we have the pleasure to assure the governor, we have been credibly informed that the Board of Trade, about a year ago, stated a question to the attorney and solicitor general, with respect to the validity of this instruction of a suspending clause, over governments claiming particular rights by charter; to which they have not yet given any answer that we can learn. And we know, that, notwithstanding two bills extending the royal instructions over councils and assemblies in America had been attempted in Parliament without success, and a third bill was brought in with the same clause, yet it could not obtain a passage there. And we are informed, that a noble friend to liberty and the rights of the British subject, a member of that House, exposed this third attempt so fully, upon the second reading of the bill, that the clauses on this head objected to were dropped without a division in the committee. And until such acts of Parliament shall be obtained, which we have good reason to hope will never be imposed upon us, the governor must agree with us, that it is our duty to defend the rights and privileges we enjoy under the royal charter.

"As, in the present case, we are not bound by any acts of Parliament, and are certainly clear of the act limiting the eastern colonies, both as to the force and the intention of it, we hope the governor, from his known abilities and good will to the prosperity of this province, will immediately discern the difference between this bill and acts of assembly creating bills of credit on common and ordinary occasions. What force royal instructions may have on bills of credit passed on common and ordinary occasions is not immediately before us, and may be considered at a proper time. But we hope the governor, notwithstanding any penal bond he may have entered into, will, on reflection, think himself at liberty, and find it consistent with his safety and honor, to give his assent to this bill, which may, at this time, be of such great service to the British interest in America.

"But if we should unhappily still differ in our opinion, notwithstanding these reasons, and such as have been offered by our former assemblies, we must be obliged, as our last resource, to apply to the crown for redress, or to the Lords of Trade, or our proprietaries, as the case may require; in which, we doubt not, the governor will favor us with his assistance. And, in order to furnish ourselves with every thing necessary for our own vindication, and that this case may appear in its full light, we entreat the governor will be pleased to inform us, whether the royal instruction is the only impediment; or whether he has any farther instructions from our proprietaries, which influence him in refusing his assent to our bill; and, if he has, that he would be pleased to lay those instructions before us for our consideration."

And the answer to the second was as follows;

"The undoubted proofs his Majesty has ever given

of his gracious and paternal affection for all his subjects, however distant from his royal presence, and the fresh marks we have now before us of his care and regard for the welfare and security of his subjects in North America, excite in us the warmest returns of duty and gratitude; and we hope we have fully testified, that we have nothing more at heart, in all our deliberations, than to answer the reasonable expectations of the crown from this young but loyal colony. We have cheerfully passed a bill for granting twenty thousand pounds for the King's use, which now lies before the governor for his approbation, and we hope will answer all the purposes recommended to his care by Sir Thomas Robinson's letter of the 26th of October last."

It was now the governor's turn; and the reader must recollect his former declarations, in order to wonder enough at his introductory paragraph, which was as follows;

"Gentlemen, when your bill for striking twenty thousand pounds, &c., was before me, I duly considered the dangerous circumstances in which the province was involved, and the absolute necessity of speedy measures to remove the French from their encroachments; and this induced me, instead of adding a clause to suspend the force of the act till his Majesty's pleasure could be known, to send it back to you, that you might frame such a one as I was at liberty to give my consent to; and at the same time to signify to you, that I would agree to the striking any sum the present emergency might require, provided funds were established for sinking the same in five years, that being the term prescribed by an act of Parliament for regulating paper money in the eastern governments; and I thought the reason of that act extended here, though

the force of it did not; and I hoped that I should be excused, if I so far relaxed the instruction upon the present occasion, as to act agreeable to the rule laid down by Parliament for the neighbouring governments; and I am sorry, for the sake of the public, to find by your message, that you have so far misapprehended me, as to conceive that I intended to insist on the suspending clause in this dangerous situation of affairs, which the words of my message do in no wise import, and that upon the whole, you refuse to accede to the reasonable measures I proposed." Proceeding then to Ryder's opinion, he would not allow it regarded only common and ordinary emissions; said, that, if Governor Thomas was never censured for dispensing with the instruction, it was because the transaction itself had never been made known to his Majesty or his ministers; that the fact mentioned by them, relating to the case laid by the Lords of Trade before the attorney and solicitor general, was quite unknown to him; that, however, when they should report their opinion, and his Majesty should think fit to issue different instructions, he should endeavour to pay the proper obedience; that the debates in Parliament, &c., had little connexion with the matter then before them; that, though the Parliament did not agree to give a general sanction to all instructions from his Majesty, yet the instruction in question having been the result of addresses from both Houses, it could not be doubted but they would support their own act; that he joined with them in opinion, that the only method to have the validity and force of the same finally determined would be by an application to his Majesty, and was desirous they should lay the whole affair before his Majesty's ministers; that being, as he was, in a great measure, a stranger to their constitution, the

proprietaries' instructions were quite necessary to him; that those he had received from them were so perfectly calculated to promote and secure the happiness of the province, and so reasonable in themselves, that they required nothing of him, but what he should have thought it his duty to do without them; that, though he did not think it quite decent, and he believed unprecedented, for a governor to be called upon for a sight of his instructions, he would nevertheless communicate them to the House whenever the public service should require it; that, accordingly, he took that opportunity to acquaint them, that he had it in charge from the proprietaries to recommend to them in the most pressing manner to provide with all imaginable despatch for the defence and safety of the province, not only by affording such aids as his Majesty from time to time should require, but by establishing a regular militia, providing arms and stores of war, and building proper magazines; all to be done in such a manner as to be least burdensome to the inhabitants, and particularly so, as not to oblige any to bear arms who were or might be conscientiously scrupulous against it; that he required this, in pursuance of the proprietaries' instructions; and that he was the more urgent in it, because the province never had been in more imminent danger than it was at that time; that being to give true and exact accounts of the state of the province to his Majesty and his ministers, as well as to the proprietaries, he desired a clear and determinate answer to this point, that he might be able to lay the same before his Majesty in such a manner as might make the interposition of Parliament unnecessary; that he was really concerned to find, that, instead of providing for the articles recommended to them by his Majesty, in a manner agreeable to his royal directions [it has been

already observed, that no manner had been, or could be, with propriety directed by the King], they insisted on his passing the bill in the shape they had sent it up, though before informed he could not do it; that he then again assured them, he would not assent to that or any other bill for emitting paper money, but upon the terms above mentioned. He also took occasion to add among other things, that this dispute, so long depending, might certainly have received his Majesty's determination long ago, had they applied for it, [which, by the way, might have been retorted with equal truth on the proprietaries;] that, were there no other method of raising money for the present service, but that by them proposed and insisted upon, their conduct might have appeared in a more favorable light; but that, as they had, or ought to have had in bank, by the laws in being, fourteen or fifteen thousand pounds, together with a revenue of seven thousand pounds a year; as the city and province were in rich and flourishing circumstances, the people numerous, and burdened with none or very trifling taxes, he could not consent to pass the bill proposed; it being (said he) a direct breach of a royal instruction intended to enforce an act of Parliament of the sixth of Queen Anne, which [whether act or instructions is doubtful] they knew had been shamefully slighted and disregarded in this and the neighbouring provinces. "Upon the whole," continued he, "you will consider, Gentlemen, in what light you will appear to his Majesty and a British Parliament, who are expending great sums of money for the defence of these colonies, while you, the very province most concerned as being invaded, instead of contributing towards your own defence, are entering into an ill-timed controversy concerning the validity of royal instructions, which might have been determined long

ago, and may be delayed to a more convenient time, without any the least injury to the rights of the people. Let me, therefore, Gentlemen, once more recommend the present unhappy circumstances of this country to your most serious consideration; and entreat you to lay aside (for the present at least) every thing that may admit of any dispute, and enter heartily into such measures as may best answer the public expectations, and assist his Majesty in the measures he has concerted, and is carrying into execution, for the preservation of this country."

The assembly again, as if to give the governor time for second thoughts, sent him up the reply that follows.

"Before we enter upon the consideration of the other parts of the governor's message of the 24th instant, we must acknowledge ourselves engaged to return him our hearty thanks for informing us, that, 'as he was in a great measure a stranger to our constitution, and, to be so highly intrusted by the proprietaries, it seemed quite necessary he should receive instructions from them; and, notwithstanding he may think it not quite decent, or may believe it unprecedented, for a governor to be called upon for a sight of his instructions, yet he will communicate them to the House whenever the public service shall require it.' In return to this candid declaration, and the assurance he is pleased to give us, as well as the ready furnishing us with other parts of those instructions, we beg leave to inform the governor, that we not only apprehend it the undoubted right of a British Parliament to address the crown for such information as they judge absolutely necessary to their deliberations, but also, that the proprietary instructions to our former governors have been repeatedly laid before the assemblies of this province."

Here certain instances were cited, and the sequel

was in these words; "We, therefore, under these considerations, and for that we are of opinion those proprietary instructions, which the governor is pleased to inform us our proprietaries gave him on their appointing and intrusting him with this government, are the principal, if not the sole, obstructions to the passing our bill for granting twenty thousand pounds for the King's use; and also, for that whatever bills we might prepare for this, or any other purpose, after all the expense to the country, and after all our pains in framing them, would be liable to the same difficulties, unless we could know what those proprietary instructions are;— we say, under these considerations, and from the regard our governor is pleased to express for our charter and our liberties, we earnestly request he would now candidly communicate those instructions to us, as the time when the 'public service requires it,' in the most particular manner; for, as we are now under an absolute necessity of addressing the crown in support of our civil and religious liberties, in which we have the pleasure of the governor's concurrence, and indeed his desire that we should apply to his Majesty on this occasion, we must, in justice to ourselves, and in discharge of the duty we owe to those we represent, make those proprietary instructions, and the force and validity of them, the great end of our humble petition to the crown at this time, unless the governor shall be pleased to convince us to the contrary."

It was not till the fourth day after this message was presented, that the governor rejoined; during which interval the business of the session seems to have been wholly at a stand; and the language he then used was to the following effect; "That, though the House of Commons had a right to address the crown for information, and former governors had occasionally laid par-

ticular instructions before the assemblies, he did not think assemblies had a right to have them all laid before them upon demand; and was still of opinion, that their application for that purpose was irregular and unprecedented; that it was true he had proprietary instructions as all other governors had had; but that he [who it seems was to be the only judge] could not think it then for his Majesty's service, or the interest of the province, to communicate them farther than he had already done; especially as they claimed it as a right, and seemed industriously to seek fresh matter of dispute about them, when the public service required they should be otherwise employed, when they expressed so great a dislike to them, and when they had avowed a purpose of making the force and validity of them the great end of their petition to the crown, and all this without so much as knowing, except in what related to a militia, &c., what those instructions were; that, having assigned the royal instruction, and the attorney-general's opinion upon it, as his reasons for not agreeing to their bill for striking forty thousand pounds, he should be glad to know upon what information they had given it as their opinion, that proprietary instructions had been the principal, if not the sole directors of his conduct, or had become so intimately acquainted with his private sentiments, as to know, that when he said one thing he meant another; that he had been, and still was desirous they should apply to the crown for a determination of the dispute between them; but that as he did not know the civil or religious liberties of the people were invaded by the instruction which gave rise to it, he could have no intention to consent to an application in support of them; that an invasion of the civil and religious liberty of a people was to be reckoned among the worst of crimes,

and was then most aggravated when committed by those, who were bound both by their oaths and their duty to preserve those blessings, and protect the people in the enjoyment of them; that his sacred Majesty, who had so long and so happily governed his people upon constitutional principles only, disdained a thought of doing or approving any thing that was otherwise; that a British Parliament would never esteem a royal instruction, issued at their own request, and intended to enforce a good and wholesome law, in the least destructive of the civil and religious liberties of any part of his Majesty's subjects, whatever they, the representatives of Pennsylvania, might do; that it gave him particular concern, that they should purposely enter into a dispute about that instruction, and choose to publish such sentiments of his Majesty's government at a time like that, when a French army were fortifying themselves in their country; that he earnestly recommended to them to consider, whether such expressions might not have a tendency to alienate the affections of the people from his Majesty's person and government, and thereby greatly obstruct the measures he was taking, at a vast expense, for the preservation and protection of his subjects on that continent; that he had lately received intelligence, that six thousand of the best troops of France were actually arrived at the lower fort on the Ohio, and were there employed in fortifying the country; that this ought to convince them France had formed some grand design on that continent, and that, as they had made their first attack upon Pennsylvania, as the most plentiful and most defenceless part of his Majesty's dominions, so in a particular manner it behoved them to exert themselves accordingly; and that he must, therefore, entreat them once more to wave all disputes till a more favorable season, to consider seri-

ously the dangers their country was exposed to, and not only grant the supplies required, but enable him to raise a considerable body of men to be employed in conjunction with his Majesty's troops, establish a regular militia, provide the necessary stores of war, &c., that the province, for want of discipline, might no longer be left an easy prey to a much weaker body of men, than were then encamped within a few days of this city."

How grossly uncandid and clumsily crafty this rhapsody was, appears at the first glance; and its operation could not but be suitable to its contents.

In short, the assembly upon the second reading of this and his former message, observing, that the governor called upon them to show upon what information they founded their opinion, that he was restrained by proprietary instructions from passing their bill, had recourse to their former proceedings in relation to the proprietaries' bearing a proportionable part of the expenses incurred on Indian affairs; and, the whole having been read and duly considered, upon the issue made the following order, to wit;

"That the representation from the assembly to the proprietaries in 1751, the proprietaries' answer thereto laid before the House in May, 1753, and the report of a committee of assembly at that time on the said answer, (neither of which have as yet been made public,) be now printed with the minutes of this sitting." And they were printed accordingly. So that the whole province had now for the first time the whole case before their eyes, and could not help being convinced by these emphatical words, in clause fourteenth of the proprietary answer, before pointed out, "Especially if *we* shall be induced from the state of your trade to consent to an increase of your paper currency," that

proprietary, not royal instructions, were indeed the only obstacles to the public service.

But we anticipate. The assembly did not stop here; but unanimously came to such resolutions, and grafted such an address upon them, as, notwithstanding some few inaccuracies, must ever do as much honor to their understandings, as justice to their cause, and the noble principles it was founded upon.

With a reference to the conduct of their predecessors in former assemblies, and the success of their honest endeavours for continuing to them the invaluable blessings they enjoyed under their charters, derived from the royal clemency and goodness, and the justice and benevolence of their founder, they set out; and declared themselves sufficiently animated by their examples to pursue faithfully the same path, which they had trod before them.

Having then glanced at the governor's evasion of his promise concerning his proprietary instructions, and the papers which had passed between the proprietaries and the assembly, as the ground of their proceedings, they inserted the unanimous resolutions they had come to, which were as follow, viz.

"That it is the opinion of this House, that the late governor, who was, we presume, as much bound by the additional instruction to Colonel Thomas, in 1740, as our present governor is or can be, has clearly admitted in his reasonings with our last assembly, 'that it was an absurdity too glaring to suppose, that any government would voluntarily tie up the hands of its subjects from serving it by such means as they are able, in cases of great emergency;' and that Colonel Thomas, in passing the act for granting five thousand pounds for the King's use, in the year 1746, by extending the excise act for ten years, was so far from

acting contrary to the instruction he had received from the Lords Justices in 1740, that the very contrary was evident;' and, that the said instruction was not binding upon him from passing a bill in cases of great emergency, of the same tenor with our bill for granting twenty thousand pounds for the King's use, which our governor has now been pleased to refuse his assent to.

"That it is the opinion of this House, that the governor is undoubtedly bound by proprietary instructions, and that they may be, and we believe they really are, or some of them are, such as, independent of the royal instruction, limit or restrain him from passing acts, which, by the royal and provincial charters we have an undoubted right to offer, and which he has, or ought to have, full powers to give his assent to, as governor of this province.

"That it is the opinion of this House, that these proprietary instructions, or some one or more of them, is, or are, the principal, if not the sole, obstruction to the passing our bill for granting twenty thousand pounds for the King's use, in this time of imminent danger to the British interest in North America." Adding, "May it please the governor, these resolutions, which are forced from us, we have entered into with the utmost reluctancy; and, in support of them, or any other part of our present conduct, we conceive it our indispensable duty to conduct ourselves precisely within the bounds of sincerity and sober reason, and to avoid every thing that is not in our opinion necessary to our own just vindication."

Yet more to manifest their ingenuity, they declared, in the next place, their readiness to retract the whole or any part of these resolves, on being convinced by a sight of the governor's proprietary instructions, which

it was still in his power to communicate, that they had entertained a wrong opinion of them; but then, till that should be the case, they presumed the governor himself could not but allow, that they had good reason to say, they were under a necessity of making their humble application to the crown in support of their civil and religious liberties; and to think, as it was most natural they should, that, if this could have been done, it would have been done; as also, that the governor, at their request, would have concurred with them in an address to the proprietaries in support of their charter, as it regarded the royal instructions only; and that, on the contrary, as circumstances were, their apprehensions of the proprietary instructions, and the operation of them in defeating the bill by which they proposed to demonstrate their readiness and cheerfulness in answering all the reasonable expectations of the crown, could not but be well grounded; so that it was with extreme concern they found their governor, who was, or ought to be, set over them for their protection, endeavouring to represent them in a light they detested and abhorred.

"The governor is but in the beginning of his administration," said they; "and if, when he received the proprietaries' commission, he was, 'in a great measure, a stranger to our constitution,' we apprehend he still continues a stranger, not only to our constitution, but to the inhabitants, if he does not certainly know, that the King has not a more loyal people among all his subjects, than the inhabitants are, and have ever been, since the first settlement of this province; nevertheless they are convinced they ought not to be governed by proprietary instructions in opposition to their charter, which is, in our opinion, the foundation and sanction of our civil and religious liberties; and especially if

these instructions must be secreted from them, and by that means the whole country left without any known rule of their conduct. And it surprises us extremely, that a request of this House, respectfully addressed to the governor, that he would be pleased to lay before us those instructions, or such part of them as might relate to the immediate service of the crown, and to the preservation of this his Majesty's colony, in order that we might examine how far they interfered with that allegiance the proprietaries themselves, and all of us, owe to the crown, or with the privileges granted by our charters, should be represented by our governor as an act, that 'might have a tendency to alienate the affections of the people of this province from his Majesty's person and government, and thereby greatly obstruct the measures he is taking at a vast expense, for the preservation and protection of his subjects upon this continent.' That thus contending for the rights granted us by the royal charter, which is the known rule of our conduct, should have a tendency of that kind, under a King who has been graciously pleased to declare, 'that nothing in this world can give him so much pleasure as to see his subjects a flourishing and happy people,' is so foreign from our thoughts, and we trust will be so foreign to every impartial construction, that we may safely leave it without any further remarks of our own. But, if it should have a tendency to alienate the affections of the people from being bound by private proprietary instructions, the blame is not with us, who have never been consulted upon them; and, if we had been consulted, should have thought ourselves obliged to declare, that we have a great dislike to proprietary instructions, and that, so far as they are against the prerogatives of the crown, or an infringement of our charter, they are illegal and void in themselves."

They then cite Sir William Keith's declarations concerning proprietary instructions before inserted; and at the same time intimate, that he was the first governor who gave bond for the performance of them. In answer to that part of the proprietary instructions which the governor had so cheerfully laid before them concerning a militia, &c., they begged leave to say, "that, as it requires money to be levied upon the people for providing arms and stores of war, and building magazines, we are of opinion it may be time enough to deliberate upon it, when we are informed how far he is at liberty by his instructions to pass our bills; and whether himself, or the representatives of the people, are the proper judges of the manner of raising such moneys. And, when these our civil and religious rights are secured, we cannot doubt all will rise up as one man in behalf of our King, our country, and our charters, according to our several stations and abilities."

Coming then to the governor's state of their revenue, they show he was as much a stranger to that as to the people and the constitution; and that, instead of having fourteen or fifteen thousand pounds in Bank, they could not have above seven thousand pounds; as also that, what with the very large sums they had paid for the support of government, and for Indian and other expenses, their treasury and loan-office were almost quite exhausted. After which they proceed as follows; "But, admitting the governor's computation in all its extent, if twenty thousand pounds, as he is pleased to inform us, will go but a very little way to raise and maintain such troops as he may think necessary, and without which we had better, in his opinion, do nothing at all, how can the inconsiderable sum we have any power over, answer his demands, though we should ruin the persons now outstanding in our loan-

office, by the immediate sale of their lands? We are unwilling to make any further remarks on this head, which has, we find, been heretofore insisted upon by our late governor, but carries with it, as we conceive, such appearances of severity, without answering any good purpose, that we think it our indispensable duty to oppose it, as far as in justice we may; and now more especially, when we have offered a bill which would raise a generous sum of money immediately, for the use of the crown, in a manner that would be most easy and most agreeable to us all. Whilst we are upon this article, as the governor must be in a great measure a stranger to our accounts, we take the liberty to remark, that the proprietary patents make, as we are informed by the trustees, near one half of the mortgages now outstanding. These, after paying for their lands out of the money borrowed from the province, are to improve them with the remainder, if any; and, as they must have shelter for themselves at least, however mean, and some land cleared for their subsistence, it necessarily puts them in arrears, let them be ever so honest and industrious; whilst the purchases of such their lands are constantly complied with on granting the patents, the bulk of which, we presume, may have been remitted to Great Britain, and makes a very sensible diminution of the silver and gold current among us; so that all ranks of people, however flourishing the governor may be pleased to represent us, complain justly for want of a due medium to carry on our trade. But, as this inquiry is not immediately before us, we shall at present leave it, and proceed to inform the governor yet farther, that his computation of our annual income is also too high; for, as our excise, *communibus annis*, yields about three thousand pounds (out of which five hundred pounds are yearly

applied towards sinking the sum of five thousand pounds, heretofore granted to the King's use), the interest payable into the loan-office is much about the same sum; and his error in the last article, we presume, might arise upon a supposal, that our whole principal sum of eighty thousand pounds was always yielding an interest; but this has ever been found impracticable, as considerable sums must be continually changing hands, by virtue of our reëmitting acts. Besides which, the province has, out of that principal sum, lent considerable parts of it without yielding any interest at all; and particularly a debt from the city of Philadelphia, still due upon the first and second thirty thousand pounds' acts, long since expired. And, until that is in our hands, it would be unjust to compute an interest arising from it, or upbraid us with it, as money which ought to have been in our hands by law, whilst some may think we have no power to sue for it by the laws in being."

Again; concerning the royal instructions, or act of Queen Anne, said to have been shamefully slighted and disregarded in that and the neighbouring provinces, they argued thus; "The neighbouring provinces must answer for themselves; but, so far as regards this colony, we find, by the votes of the House, that, whilst Colonel Thomas had the act before him for emitting and reëmitting eighty thousand pounds, this very act of the sixth of Queen Anne was considered, debated, and so fully explained, that, although exchange was then higher than at this time, he (who was undoubtedly under the same oaths and bonds to observe the acts of trade with our present governor) after mature deliberation, gave his assent to that act on the 19th of May, 1739; which, after having been recommended by the merchants in England trading to this province,

as 'an act not only reasonable, but likewise necessary for carrying on the commerce of this country,' the King was pleased to confirm it in a full council on the 12th of May following. What then the governor does or can mean, by saying, we know that this province has shamefully slighted a royal instruction, intended to enforce an act of the sixth of Queen Anne, is what we are entirely at a loss to imagine; neither can we conceive any good reason why our governor should choose to call our bill for granting twenty thousand pounds for the King's use, a bill for striking forty thousand pounds, without any further explanation, though that bill had been repeatedly under his consideration. It would be, perhaps, too unkind to suppose, as the bill itself and the contents of it would in all probability be unknown to our superiors, further than the grant to the crown, he could have the least intention to misrepresent the purport of it, and for this reason we leave it entirely to his own reflection. The title of that bill is, 'An act for striking forty thousand pounds in bills of credit, and for granting twenty thousand pounds thereof to the King's use, and to provide a fund for sinking the same; and for applying the remainder to the exchange of torn and ragged bills now current in this province;' and the governor well knows, it adds no more to our paper currency than the very twenty thousand pounds granted the King, and even that struck for no other reason than to answer the immediate call of the crown, and to make the grant effectual."

In answer to the governor's assertion, that the French were already in possession of part of their province, they instance the language constantly used here at home, to wit; that the French had invaded his Majesty's territories in Virginia; as also a map then lying

before them, founded on authorities supplied by the Board of Trade and their own proprietaries, wherein every fort built by the French is placed beyond the western boundaries of Pennsylvania; and they again took refuge behind the cautions so minutely expressed and strongly insisted upon, in the first letter from the secretary's office, urging, that while the two crowns were still in a state of amity, it could answer no good purpose to contravene them; and that, the King himself having most graciously interposed, it would be more prudent and becoming to consider him as the most proper judge of the limits of his own dominions.

In the next section they dispute the probability and almost the possibility of the arrival of such a body as six thousand of the best troops of France at the lower fort upon the Ohio, as asserted by the governor; insinuate, that such accounts would have deserved more credit, if they had been transmitted from Oswego, near which they must have necessarily passed, and from whence very minute intelligence was received of the passage of those forces, which first laid the foundation of the enemy's strength upon the Ohio; and leave the fact to rest upon its own evidence.

After this referring to their dispute with Governor Hamilton, and the information they gave him of an instruction from the crown, not to pass any private act, or act of privilege to any individual, without a suspending clause, which had never been enforced by the proprietaries or observed by any governor, they plead a necessity of informing the governor, though with great reluctance, "That in the year 1735, Governor Gordon passed an act for vesting more effectually certain lands in George M'Call, in direct contradiction to that instruction, without the least mention of a suspending clause."

And with an elevation of sentiment, style, and manner, seldom seen in public papers, they finish their reply as follows;

"As we have reason to believe the assembly was then acquainted with that instruction, and as the bill particularly related to our honorable proprietaries, our last assembly, notwithstanding the indiscreet call upon them, contented themselves, from motives of prudence and moderation, with barely pointing out this transaction, in hopes our honorable proprietaries would see themselves at least equally concerned with the representatives of the people both in fact and right, and thereby might be induced to join cordially with the people of this province in vindicating our charter from the continual infraction of such instructions; which, if they must operate in the manner the governor is pleased to contend for, and our proprietary instructions must be binding upon us also, the rights derived to us by the royal charter is a name only, whilst the very essence of it is effectually destroyed; under the sanction of which charter a sober, industrious people, without any charge to the crown or the proprietary, first settled this wilderness, and, by their frugality and the equity of their laws, laid the foundation of a flourishing colony, which already, within the ordinary life of a man, has made a considerable addition to the dominions of the crown by an increase of dutiful and loyal subjects, and bears no mean rank in contributing to the wealth and trade of our mother country.

"Whether the above act for granting five thousand pounds for the King's use, or the act for vesting lands in George M'Call, were ever sent home for the royal approbation, very little concerns us; as we presume the transmitting our acts is the immediate duty of our proprietaries or their lieutenants, in pursuance of the royal

charter, which we look upon as the anterior solemn royal instruction, for the rule of their conduct, as well as of our own.

"Upon the whole, from what we have said, we presume it evidently appears, that proprietary instructions and restrictions upon their governors, as they have occasionally been made a part of the public records at different times, have been judged and resolved by our governor, council, and the representatives of the people, either,

"1. Inconsistent with the legal prerogative of the crown settled by act of Parliament.

"2. Or a positive breach of the charter of privileges to the people.

"3. Or absurd in their conclusions, and therefore impracticable.

"4. Or void in themselves. Therefore,

"Whenever the governor shall be pleased to lay his proprietary instructions before us for our examination, and if then they should appear to be of the same kind as heretofore, his good judgment should lead him to conclude, that such 'considerations in life' as our allegiance to the crown, or the immediate safety of the colony, &c., are sufficient inducements for him to disobey them, notwithstanding any penal bonds to the contrary, we shall cheerfully continue to grant such further sums of money for the King's use, as the circumstances of the country may bear, and in a manner we judge least burthensome to the inhabitants of this province."

Lastly, that they might be able to set all imputation and misrepresentation whatsoever at defiance, they applied themselves to find out some expedient by which the service recommended to them by the crown might be promoted as far as in them lay, even without the

concurrence of the governor. In order to which, having thoroughly weighed the contents of Sir Thomas Robinson's last letter, and the state of the provincial treasury, in which there were scarce five hundred pounds remaining, they unanimously resolved to raise five thousand pounds on the credit of the province for the accommodation of the King's troops; and empowered certain members of their own to negotiate the loan, and allow such interest as should be found necessary.

The controversy, however, which this new governor had been so ingenious as to work up to such a pitch in so short a time, was, by the continuance of the same ingenuity, to be still continued as warm as ever.

Accordingly, down came another message from him, in which he complains to the assembly of the very great obscurity, unnecessary repetitions, and unmeaning paragraphs contained in their last performance; and, through the whole, manifests that spirit of perverseness which is but too prevalent with most men on the like occasions. Of the inaccuracies before acknowledged in that performance (and which are perhaps unavoidable in pieces drawn up from a variety of suggestions, and subject to a variety of alterations and additions,) he takes all the advantage he can; and does indeed foul the water, though he cannot divert the current.

It would be endless to wade through all the minutenesses of so tedious a contest; and odds if the reader did not leave the writer in the midst of it.

To be as concise as possible, therefore, his paper is as insidious as that of the assembly was candid and open. He would not allow that he had promised them a sight of his instructions — with regard to their bill for granting twenty thousand pounds to the King; which was so far true, because he could have none regarding that particular measure. He would not allow that

he had represented their application for those instructions, as having a tendency to alienate the affections of the people from the King; which was also true, because such his representation had been confined to the expressions they had made use of concerning the invasion of their civil and religious liberties; the last of which is indeed no otherwise to be accounted for, than by the demand made upon them to establish a militia, and thereby oblige those to carry arms who made it a point of conscience to disavow resistance by force. Those expressions, he would needs have it, had the tendency he ascribed to them; because "he very well knew how fond the people were of their currency, and how averse to any restraint upon it." He endeavoured to embroil them with the crown for having called the instruction in question an infraction of the royal charter. He reproached them both with ingratitude and with injustice, for being pleased to be angry with their proprietaries. In vindicating the affections of those gentlemen to the province, he derived his argument from their interest in it; and he is peremptory, that, instead of entertaining designs to invade the just rights and privileges of the inhabitants, there was nothing they so much detested and abhorred; he adhered to the resolution he had taken, nevertheless, not to lay his instructions before them at that time; being sensible they were no way necessary, and that, the assembly having already declared them destructive to their liberties, they were not in a proper temper for the consideration of them. To show he was not restrained by proprietary instructions from passing bills for the defence of the country, he declares himself ready to pass a law for establishing a militia, &c., and for emitting any sum in paper money on proprietary terms; that is to say, on such funds as might sink the same

in five years. He perseveres in maintaining, that the act of the sixth of Queen Anne had been shamefully slighted even in their province; because pieces of eight were then, and had been for many years past, current at seven shillings and sixpence; whereas, according to that act, they should pass for six shillings only; as if money, like all other commodities, would not find and fix its own value, in spite of all the precautions and provisions the wit of man could invent. He also maintained, that, on a reëxamination of the provincial accounts, their revenue was seven thousand three hundred and eighty-one pounds per annum, clear of the five hundred pounds per annum for sinking the five thousand pounds formerly given for the King's use; and that the sums due, and which, by the laws in being, should have been paid in the September preceding, amounted at least to fourteen thousand pounds. He averred they could not but be sensible that the twenty thousand pounds currency they proposed to give, and called a generous sum, was very insufficient to answer the exigence, and that it was not two pence in the pound upon the just and real value of the estates of the province; and, in short, he said whatsoever else occurred to him, which could favor his purpose of figuring here at home; as if he was in all respects right, and the assembly in all respects wrong.

Argumentatively then, if not historically, we have now the merits of the case before us; and may safely pronounce, that, if instructions may or can be construed into laws, instructions are then of more value than proclamations, which do not pretend to any such authority. That, though grants from the crown are in the first instance matter of grace, the subject may claim the benefit of them as matter of right. That when the prerogative has once laid any restraint on itself, nothing

short of a positive act of forfeiture, or act of Parliament can authorize any species of resumption. That, if a subsequent instruction may cancel or obviate an original grant, charters, under all the sanctions the prerogative can give them, are no better than quicksands. That in the charter given to William Penn, Esquire, and solemnly accepted as the basis of government by his followers, there is no reserve on the behalf of the crown to tie up the province from making the same use of its credit, which is the privilege of every private subject. That, notwithstanding all the pretended sacro-sanctitude of an instruction, probationary at first, neither renewed or referred to, directly or indirectly, by his Majesty or his ministers afterwards, and virtually discharged by a subsequent act of Parliament, which expressly restrained some colonies, and consequently left the rest in possession of their ancient liberty, the governor was notoriously ready to dispense with it on proprietary terms. That the difference between five and ten years for sinking the bills, was a point in which the national interest had no concern. That, if the eastern colonies, which were those restrained by the said act, might, nevertheless, in case of exigence, make new issues of paper money, those unrestrained might surely do the same in the like case, on such terms, and after such a mode, as appeared most reasonable to themselves. That, according to all the representations of the governor to the assembly, if true, the fate of the province, if not of the public, depended on their giving a supply. That, consequently, no exigency could be more pressing than the present, nor emission of paper money better warranted. And that he could, nevertheless, leave the province exposed to all the calamities, which that exigence could possibly bring upon it, or upon the service in general, rather than

give up one proprietary item; whereas the difficulty imposed upon the people manifestly was either to be a prey to their invaders, or give up every privilege that made their country worth defending; which shows, in the fullest, clearest, and most unanswerable manner, that all proprietary interposition between the sovereign and subject is alike injurious to both, and that the solecism of an *imperium in imperio* could hardly be more emphatically illustrated.

CHAPTER VIII.

The Assembly make their Appeal to the Crown. The Governor's expostulatory Message thereon. He demands a Copy of their Minutes; they order him one when the printed Copies were *finished*, and adjourn. Upon Braddock's Arrival in Virginia, they are re-assembled by special Summons; the Demands made by Message on that Occasion. Twenty-five Thousand Pounds granted to the King's Use, to be raised by an Emission of Paper Bills. Refused by the Governor, on the old Pretence of a contrary Instruction. A Provision demanded for the Expense of an Indian Treaty. A Memorial to the Assembly from Mr. Quincy, a Commissioner from the Government of Massachusetts Bay. The Assembly resolves to raise the said sum on the Credit of the Province. Another Paper of Acknowledgment from the said Mr. Quincy. The Governor revives the former Controversy. The Assembly's spirited Answer to his Message. A Remark thereon.

To the crown under this difficulty the assembly now thought it high time to make their appeal, in humble confidence, that a fair and modest state of their case would recommend them to the royal protection, and screen them from the malignity of their adversaries.

That the governor, however, might not, in the mean time, remain ignorant of their sentiments, they made another application to him by message; in which they apprized him of what they had done, and of their joining issue with him in submitting their cause to his Majesty's decision; as also, of their inclination to adjourn till May, for the sake of their own private affairs, to relieve the province from the expense they sat at, and suspend the uneasiness which a contest, like to be endless, and in which they were treated with so little decency, had given to them. And having thus, as they observed, reduced what immediately concerned them within a narrow compass, they first declare it was hard for them to conjecture how the governor came by his knowledge of the people's fondness of their currency

and aversion to restraints on that head; seeing they had not petitioned for any increase of it, nor the assembly offered any such bill during his administration, except that which comprehended the sum given for the King's use, and that only as the best method they could devise for making the grant effectual. On the behalf of the late assemblies they next insinuate, that, when they did offer such bills, they were but for a very moderate sum, founded on minute calculations of their trade, and guarded against the danger of depreciation by such securities as long experience had shown to be effectual. Proceeding then to the governor's re-assertion concerning the shameful slights put on the money-act of Queen Anne, they appeal to the testimony of the Board of Trade in favor of their own as a reasonable act, and the royal sanction given thereto, by which it is declared, that their provincial bills of credit are lawful money of America, according to the said act of Queen Anne; as also to the course of exchange ever since, as a full confutation of his charge. They further plead a necessity to differ from him in his state of the public money; assure him the computations he relied upon were made without skill, or a sufficient knowledge of their laws; adhere to the justice and rectitude of their own state; maintain, that, by the laws in being, seven thousand pounds was the most they had power over, which sum, since their last settlement, had been greatly reduced by the very heavy charges of government; and, having recapitulated what the governor had been pleased to say concerning the insufficience of their grant, &c., conclude in the following spirited manner;

"What the governor may think sufficient is as much a mystery to us, as he may apprehend his proprietary instructions are; but, we presume, it may be sufficient

for all the purposes in Sir Thomas Robinson's last letter, and as much or more, than we think can be reasonably expected from us. How the governor became so suddenly acquainted with the real value of our estates is not easy to conceive; but we know from long experience, having many of us received our birth in this province, that the inhabitants are not generally wealthy or rich, though we believe them to be, in the main, frugal and industrious; yet it is evident that their lands are greatly encumbered with their debts to the public. From these considerations, we are obliged to think the governor's estimation of our wealth is undoubtedly too high, unless he includes the value of the proprietary lands; for, by the report of a committee of assembly in August, 1752, it appears, that the taxables of this province did not exceed twenty-two thousand; and the grant we have offered of twenty thousand pounds, from the best calculations we can make, doth at least amount to five times the sum that hath ever been raised by a two-penny tax through this province. As we think the governor cannot be a competent judge of the real value of our estates, in this little time of his administration, and as we have now submitted our cause to higher determination, we conceive ourselves less concerned in his computations of our estates, whatever they may be.

"The governor is pleased to inform us, 'That the proprietaries are too nearly interested in the prosperity of this country to do any thing to its prejudice; and he should have imagined that the people could not now stand in need of any proofs of the proprietary affection, or suspect them of having any designs to invade their just rights and privileges, which, he is confident, they detest and abhor.' We cannot suppose the governor would mean they detest and abhor our just

rights and privileges; and yet we are convinced the clause in their commission to him, their lieutenant, whereby they empower him to act as fully and amply to all intents, constructions, and purposes, as they themselves might or could do, were they personally present, 'You, (our governor) following and observing such orders, instructions, and directions, as you now have, or hereafter from time to time shall receive from us, or our heirs,' is not only repugnant to our just rights and privileges, but impracticable, against common sense, against law, and void in itself; and yet, if the governor should think his hands are so tied up by these instructions, that he is not at liberty to act for the public good, we must conclude they are of dangerous consequence at all times, and particularly in this time of imminent danger, not only to ourselves, but to the British interest in North America."

To this message the governor returned a short answer in these words;

"Gentlemen,

"I am very much surprised at your proposal to adjourn till May, as you have made no provision for the defence of the province, or granted the supplies expected by the crown, and recommended by the secretary of state's letters; I must, therefore, object to the proposed adjournment while things remain in this situation, and hope you will, in consideration of the danger to which your country stands exposed, continue sitting till you have granted the supplies to the crown, and effectually provided for the defence of the people you represent. But if you are determined to rise at this time without doing any thing, remember it is your own act, and all the fatal consequences that may attend

your leaving the province in this defenceless state must lie at your doors."

The House in return unanimously resolved, "That the governor has been respectfully and repeatedly solicited by this House to pass a bill presented to him for granting twenty thousand pounds for the King's use, which, in our opinion, would have answered the expectations of the crown from this province, as signified by the secretary of state's letters, had the governor been pleased to have given it his assent; therefore, whatever ill consequences ensue from supplies not having been granted at this critical juncture must lie at his door."

The governor, by his secretary, demanded a copy of their minutes. The House ordered the minutes both of this and their last session to be printed, and that a copy finished should be delivered to the governor; and, having then resolved to adhere to their adjournment, adjourned accordingly.

In the beginning of March, however, the governor thought fit to reassemble them, and assigned the arrival of General Braddock, the necessity of considering what he had to propose without delay, and making the provisions expected by his Majesty for the service in time, as his reasons for so doing. In the same message he also acquainted them, "That he had issued a commission to a number of men acquainted with the country, to form a plan of opening roads from the inhabited parts of the province westward towards the Ohio, at the requisition of Sir John St. Clair, quartermaster-general, to facilitate the march of the troops, conveyance of provisions, &c., and also to prepare an estimate of the expense, which he called upon them to provide for; also, to be enabled to take such a part

in the measures proposed by the eastern governments for the maintenance of his Majesty's just rights, &c., as became the honor and interest of a province circumstanced like theirs. Having then premised, that it was said, the large supply of provisions furnished to the French from these colonies, not Pennsylvania in particular, which he acknowledged had little concern in that unnatural trade, had enabled the enemy to support their forces in America, he informed them, he had given the officers of the customs preventive orders in relation thereto; and added, that he made no doubt of their joining with him in a law to make those orders more effectual. The desire of the eastern governments, that Pennsylvania would join with them in their operations to frustrate the schemes of the French, made his next topic; and he grafted a hope upon it, that they would enable him to take such part as became the honor and interest of a province circumstanced like theirs. The establishment of a post between Philadelphia and a place called Winchester, at the desire of General Braddock, was what he recommended next; and that again was followed by another desire of the same general's, that the quotas for the common fund of the several provinces, recommended by the secretary of state, might be lodged in the hands of a treasurer, subject to his demands, in order to expedite business; and, the general being perfectly disinterested, as also willing to account for his disbursements, he hoped they would put it in his power to return him a satisfactory answer; and for a conclusion he recommended vigor, unanimity, and despatch, that the happy opportunity put into the hands of the colonies by his Majesty's paternal care, &c., might not be lost."

That there was no retrospect in this message was some recommendation of it; but the merit of this for-

bearance lasted no longer than till the afternoon of the very same day, when the House was artfully perplexed with two messages more, which could not but revive the memory of past dissensions, and consequently the ill humor they had produced. The first contained a reprimand for their having printed Sir Thomas Robinson's letters, communicated to them without his, the governor's, privilege or consent, and a caution against the publication of them; and an intimation, that, though he had letters and other papers relating to his Majesty's service to communicate to them, he did not think it safe to do it, without proper assurances that the contents should remain a secret. The second being nearly as short, and rather more extraordinary, shall be given in his own words;

"Gentlemen,

"On the 10th of January last, I demanded by the secretary a copy of the minutes of your proceedings, which you promised to send me; but, not receiving them, I did, on the 29th of the same month, by letter to the speaker, again demand them, and have frequently by the secretary reiterated my request, but could not obtain a sight of them till the 12th instant, above two months after your rising, and then only a part of them were sent me in print, and I have not yet seen the whole of them.

"The keeping your proceedings thus a secret from me, I take to be a very unconstitutional and extraordinary measure, liable to a construction that I do not choose at present to put upon it, but only to acquaint you that I expect you will order your clerk to attend me every night with the minutes of the day, that I may know what is done and doing in your House, and be able in time to lay the same before his Majesty

and his ministers, who expect to be regularly informed of the measures taking by the legislatures of the colonies."

Both were answered the next day in substance thus, "That they were humbly of opinion, such letters as those in question, containing the commands of the crown, ought generally to be inserted in their minutes as being the foundation of their proceedings, and what might be necessary for their justification; that those letters were communicated without the least caution to keep the contents a secret; that the latter, which was the most material of the two, was a circular letter which had been sent in effect to all the provinces and colonies in North America, and of which the substance, as they were informed, had been printed in the speeches of several governors to their assemblies; that the design of sending two regiments from England, and raising two more in America, was no secret, having been avowed even in the London Gazette; that the governor himself had given very full and particular abstracts of those letters, in his messages, which had been printed in their own gazettes long before the House adjourned, and passed without objection; that they were, therefore, surprised at the exceptions started now to the insertion of them in their minutes, and, no single inconvenience to result from it having been pointed out, were not inclined to expunge them; that, knowing not what assurances of secrecy would be satisfactory, they could only say, that, whenever it should appear to the House to be necessary for the King's service, or the public good, to keep any matters laid before them secret, proper measures, they doubted not, would be taken for that purpose." Proceeding then to what related to the governor's demand of a copy of their minutes, they adjoined, "That they had ordered the

said minutes to be printed with all convenient speed, and, when finished, that a copy should be delivered as required; that, as soon as they could be copied and revised by a committee of the House, they were put to press; and that the governor had been supplied with a copy of the greatest part of them even before they were finished; that it had been the constant practice of the House to have their minutes so revised, and to postpone the said revisal till after the rising of the House; and that, till this was done, no copies had ever been given out, unless of special votes on special occasions; that the principal matters contained in these minutes were generally to be found in the governor's speeches or messages, and the answers of the House; and that these, together with such votes as were most material, were, for the most part, immediately printed in the newspapers; that the rest was chiefly matter of form; that, therefore, as it would be inconvenient to the House to make up and perfect their votes daily, so as to send a copy to the governor, as they saw no public service concerned in it, nor knew of any right in the governor so peremptorily to demand it, they were not inclined to alter their ancient custom; that his charge of taking extraordinary or unconstitutional measures to keep their proceedings a secret from him, was void of any real foundation; that, as to the construction put by the governor on their conduct, they neither knew nor could guess what it was; that whatever it was, they had rather it had been spoken plainly, than insinuated, because they might then have known how to justify themselves; that, however, being conscious of the firmest loyalty to the crown, and the most upright intentions to the people they represented, they were not very apprehensive of any great prejudice from such insinuations: that reflecting on the

weight and importance of the matters laid before them in the morning message, which, moreover, so earnestly pressed them to unanimity and despatch, they could not but be surprised at receiving messages of so different a kind in the afternoon, and which could only tend to produce division and delay, &c. And, that therefore, they humbly entreated the governor to suspend those his irritating accusations and novel demands till a season of more leisure, and that he would permit them to proceed, without any farther interruption, on the business for which he had been pleased to call them together."

Not to be diverted, however, from the pursuit he was in by this caution, he sent a letter to the printers for the assembly (one of whom was a member), forbidding them to publish the secretary of state's letters; and ordered his secretary to inspect the journals of the House from the 17th to the 20th of March then current, both inclusive, and to take a copy thereof. Upon the former of which measures they resolved, that the said letters had been properly inserted; that the House had by sufficient reasons shown, that the expunging those letters was both improper and unnecessary; that the right of directing what should, or should not be inserted in the minutes of the House, was solely in the House; and that the governor had not, nor could have, any right to interfere therein; and they ordered the printer to proceed with the publication of their minutes as they then stood. And with regard to the latter, they informed the governor by message, "that, when their minutes should be revised and printed after the end of the session according to long-continued custom, a fair copy should be presented to the governor; but that till then they hoped the governor would excuse them, if they did not permit

any body to inspect them, or any copy of them to be taken."

Here this little ruffle ended; and, while it was yet subsisting, the governor informed the House, as a secret which he recommended to them to keep so, "That Governor Shirley, with the concurrence of his council and assembly, having, among other measures, formed a design to build a fort near Crown Point, within the limits of his Majesty's territories, had sent commissioners to this and other governments to solicit their contributions to the same undertaking; that the said governor had written to him fully upon this head, that he should communicate his letter to them, that they might see what was expected from the province; that Mr. Quincy, his commissioner, was actually arrived, and had made his application to him; and that he heartily recommended it to them to grant the necessary supplies for that important service."

Upon the heels of this, by another message he also informed them of, and congratulated them upon, the arrival of the transports, with the forces and artillery destined for the American service in Virginia; after which he proceeded, as in the last session, to say, "That his Majesty's care and affection for his subjects in America having induced him to so large and seasonable an assistance for the recovery of those possessions which the French, contrary to the faith of treaties, had seized, they would be greatly wanting to themselves if they neglected the opportunity to frustrate the attempts of that perfidious people; that to render his Majesty's measures effectual, it was expected, that the colonies should raise an additional number of forces, and should furnish provisions and all necessaries to those employed for their protection, as they would see by a letter from the Earl of Halifax and

another from General Braddock, which were to be laid before them; that, this being so reasonable in itself, he could not doubt its being readily complied with by all the provinces, in proportion to their abilities; and he hoped, that, as Pennsylvania was the most interested in the event, they would exert themselves as became the representatives of a province actually invaded, and having their all depending on the success of the present enterprise; that he earnestly besought them to consider what might be the consequence of their refusing to grant the necessary supplies, as they might be assured his Majesty would not condescend to recommend to them in vain the making provision for their own defence, but would doubtless, upon their refusal, be enabled by his Parliament to oblige those, who reaped the immediate benefit of such a chargeable protection, to contribute their proportion of it; and, that if, by a disappointment in the articles expected to be supplied by them, the great expense the nation had been put to for the security of these invaluable branches of the British empire, should be rendered unavailable, they could not but think they would justly draw upon themselves the resentment of his Majesty and a British Parliament."

How unusual soever such language was on such occasions, and how inconsistent soever with the claims and rights of freemen, the assembly not only stifled their resentments of it, but proceeded the very same day to do all that was required of them with all the alacrity imaginable.

Twenty-five thousand pounds was the sum they granted to the King's use; five thousand pounds of it was appropriated for the sum borrowed for the service at the last sitting; ten thousand pounds for the purchase of provisions, at the request of the govern-

ment of Massachusett's Bay, for victualling their forces; five thousand pounds to answer the occasional drafts of General Braddock; and the remaining five thousand for the maintenance of such Indians as had taken refuge in the province, and other contingent expenses in their votes expressed; and the whole was to be raised by an emission of paper bills to the same amount, and to be sunk by an extension of the excise for ten years.

If the other part of the former bill concerning torn and ragged bills was mentioned, or at all insisted upon, it could not be carried; the majority on this occasion resolving, that no provincial consideration of that kind should furnish the least pretence for any obstruction to the general service.

Upon the 28th of March, 1755, this bill was left with the governor, and on the 1st of the next month he sent them the following message, viz.

"Gentlemen,

"Your bill for striking twenty-five thousand pounds being contrary to his Majesty's instructions relating to paper money, and of the same nature with the bill I refused my assent to, the last sitting of the assembly, I cannot pass it into a law, without a breach of duty to the crown; and I am concerned you should offer such a bill to me, when you had agreed to submit the dispute between us, upon one of the like kind, to his Majesty.

"As this is a time of imminent danger, and the forces raised and destined for the service of the colonies must wait the supplies from this province, I again entreat you to fall upon some other method of raising money, that we may not lose this happy opportunity of recovering his Majesty's dominions, now invaded by the subjects of the French King, and preventing their unjust encroachments for the future.

"But, if these repeated recommendations of so reasonable a supply shall fail of the desired effect, and any ill consequences should attend it, his Majesty and his ministers, a British Parliament, your own constituents, and the neighbouring governments will be at no loss on whom to lay the blame."

This message was also accompanied with another, dated March 31st, in which the governor, having referred to an account to be given them by his secretary of several matters committed to the care of one Scarroyady, an Indian chief, by the Ohio Indians, made use of it as an additional goad to the assembly, in the manner following;

"Gentlemen,

"So much depends on the disposition and measures of the Indians at this time, that I must earnestly recommend it to you to make provision for the ensuing treaty, as well as to enable me to take proper notice of this chief, who is so hearty in our interest, and of the young men he has brought along with him, in order to be employed in some services, which, he says, are of importance to the general cause.

"It will readily occur to you, that the several western Indians, who wish well to the English interest, wait with impatience for the return of this chief, and will form their measures according to the report which he shall make to them of our treatment of them; for which reason, it will be of the last consequence, that this chief and these young men go from us well clothed and perfectly well pleased."

On the same day also, Mr. Quincy, commissioner to the province from the government of Massachusetts

Bay, presented a memorial to the assembly, which containing an unquestionable testimonial in their favor, deserves to be inserted entire as follows, viz.

"Gentlemen,

"I am extremely sorry to find that, notwithstanding all the motives and arguments I was able to offer his honor the lieutenant-governor, he did not see his way clear to give his consent to the money bill you have laid before him.

"The cheerfulness with which you therein granted ten thousand pounds for victualling the forces intended to march from New England to secure his Majesty's territories, leaves me no room to doubt your zeal for his Majesty's service, or your hearty concurrence with the government I have the honor to represent, in the measures now proposed for our common safety; and therefore, though you are unhappily disappointed in the manner of your grant, I flatter myself you will not fail to find some other means of rendering it effectual.

"The advantages which a speedy and vigorous execution of those measures promises to all the colonies, and the mischiefs which a neglect of them will entail upon us and our posterity, are clearly pointed out, and fully illustrated, in the papers which have been the subject of your late deliberations.

"In rendering this important service to the crown, to the British nation, and to their fellow-subjects in the other governments, New England offers to spend her treasure as freely as her blood, and, were her abilities equal to her zeal, would as cheerfully bear the whole expense, as she undertakes the whole hazard of the enterprise. But the vast yearly charge she is subjected to, by her vicinity to the French, and

the necessity of defending so extensive a frontier from the incursions of those perfidious people and their Indians, both in time of peace and war, has so exhausted her finances, and burthened her with such a load of debt, that, without the assistance of the neighbouring more wealthy colonies, she must drop the design, however promising and glorious, as utterly impracticable.

"Happy will your province be, Gentlemen, if you can still keep those dangerous people at a distance from your borders, by which you will be free from the many mischiefs we have always suffered by their neighbourhood.

"The opportunity is now offered you, and, if embraced, will, by the blessing of God, secure your future peace and prosperity. But whatever you do, should be determined instantly, for the season flies, and a delay may be as pernicious as a refusal.

"I have just received advice, that Connecticut has voted fifteen hundred men, and that even the little government of Rhode Island has granted four hundred, the expense of which will be more than is asked of you. New York seems heartily disposed to do her part; and there is reason to think that your good example may have an advantageous influence on your neighbours of New Jersey.

"I need say no more to urge you to a speedy and effectual resolution, but conclude, with the utmost respect, Gentlemen,

"Yours, &c."

The rest of the day was spent in debates, as it was natural it should; but on the morrow they resolved to raise fifteen thousand pounds on the credit of the province, in the manner they had done before; that

is to say, five thousand pounds to repay the sum so before borrowed for victualling the King's troops, and ten thousand pounds to answer the request of the Massachusetts government, so earnestly enforced by Mr. Quincy.

Thus, one would think, they had done all that could be reasonably required of men; they had dropped the particular concern of the province; they had overlooked whatever was offensive in the governor's messages and behaviour to them, they had forborne all altercation thereon; and Mr. Quincy, on behalf of the government he represented, presented them such a paper of acknowledgment, as abundantly verifies all that is here said of them, to wit;

"Sir,

"The sum which this honorable assembly has granted to his Majesty's use, and appropriated for victualling the troops intended to be marched for securing his Majesty's territories, is an instance of your concern and zeal for the public safety, which I doubt not will be highly acceptable to his Majesty. And as it was made in consequence of my application to you, I beg leave to return you my grateful sense and acknowledgment; and to assure you, in the name and behalf of the government I have the honor to represent, that it will be duly applied to the purposes for which it was granted."

The governor, however, dissatisfied still, because disappointed and defeated, first evaded the assembly's demand of the restitution of their bill according to custom, and then refused it, saying, "That it was a bill of so extraordinary a nature, that he thought it his duty to lay it before his Majesty, and should keep it for that purpose."

He also informed them by message of intelligence he had received, that the French had fitted out fifteen sail of the line, with which they were sending out six thousand land forces, and that the King's ministers were not in the secret of their destination; yet, as they were bound for America, and could not be ignorant that Pennsylvania was both a plentiful and defenceless country, he thought it his duty to call upon them to enable him to put it into a posture of defence, by establishing a regular militia, and providing the necessary stores of war.

This message was dated April 3d, and yet on the 8th following he advised them to make a short adjournment, because he was to receive the Governors Shirley and Delancey that evening, and was to accompany them to Annapolis, there to confer with General Braddock, and the Governors Sharpe of Maryland, and Dinwiddie of Virginia; after which, it was probable, he should have several matters to lay before the assembly; but, as a parting stroke, he called upon them to make some provision for Scarroyady, before mentioned, and his young men, which they did;—not without some wholesome hints, that they had been long enough already a charge to the province; that there were proper lands where, and it was a proper season when, they might both hunt, and plant their corn, by which they might provide for themselves; and that, as to the Indian treaty they had been required to make provision for, the governor could not expect they could come to any immediate resolution, till they had received the necessary information concerning it.

It was in this manner they parted. The adjournment they made was only to the 12th of May, and yet the governor both complained of that term as too long, and said he should call them sooner if there was

occasion. When they met, they gave the governor notice as usual, and that they were ready to receive whatever he had to lay before them. The governor's answer was, that he had nothing to lay before them at present but the German bill; a bill, that is to say, recommended by the governor himself, from the notorious necessity of it, for preventing the importation of German or other passengers or servants in too great numbers in one vessel, and for preventing the spreading of contagious distempers, imported by or together with them, &c. This had been prepared by the House at their last sitting, and sent up to the governor; had been returned with amendments by him; some of these amendments had been adopted; and then the bill had been again sent up, with a desire from the House, that the governor would be pleased to pass the same as it then stood. This he had not been pleased to do, but on the contrary had referred it to the consideration of his council, by whose advice he had been determined to adhere to his amendments; under which declaration it was now again sent down to the House; who having appointed a committee to draw up a message to the governor, representing the inconveniences to be apprehended from the said amendments, and agreed to that message, on the report of the same, came to a resolution of adjourning on the morrow to the 1st of September.

To say this message was of the most pathetic, rational, and interesting kind, is to say the least that can be said of it; it explained the evil to be remedied, and the consequences to be apprehended from a continuance of it, in the most affecting terms; it demonstrated, that the amendments insisted upon by the governor were calculated to deprive it of all its vigor and utility; that in effect the province was to

be as much exposed to the same nuisances and dangers as ever; and what gave the most offence of all, by the following paragraph the inhabitants were led to the very source of so crying a grievance.

"By our charters, and the laws of this province, the whole legislative power is vested in the governor and the representatives of the people; and, as we know of no other negative upon our bills but what the governor himself has, we could wish he had been pleased to have exercised his own judgment upon this our bill without referring the consideration of it to a committee of his council, most of them such, as we are informed, who are, or have lately been, concerned in the importations, the abuses of which this bill was designed to regulate and redress."

Now, whichever party was in the right, can it be said, that the King, or the supply for his service, or any one of the points in the preceding session agitated, had any concern in the rise, progress, or issue of this controversy? Has it not been already observed, to the honor of the assembly, how cautiously and prudently they had avoided whatever could tend to widen the breach on any of these heads? Is it not fresh before us, that, even for want of provocation, the governor himself was forced both to part with them, and meet again, in peace? And yet having declared, as we have seen, that he had nothing to communicate to them, consequently nothing to ask of them, other than what related to this German bill, did he take the hint from hence to treat them by message in the following extraordinary manner, viz.

"Gentlemen,

"When I summoned you together on the 17th of March last, I was in hopes you would bring with you

inclinations to promote the public service, by granting the supplies expected by the crown, and by putting this province into a posture of defence; but I am sorry to find, that neither the danger to which this country stands exposed, nor his Majesty's repeated and affectionate calls, have had any weight with you.

"The bill you sent me, for striking twenty-five thousand pounds, was of a more extraordinary nature than that I refused my assent to in the winter sessions, as it gave General Braddock a power over no more than five thousand pounds, and subjected the remaining twenty thousand, and all the surplus of the excise, for eleven years to come, to the disposition of some of the members of your House, and to the assembly for the time being.

"The offering money in a way, and upon terms, that you very well knew I could not, consistent with my duty to the crown, consent to, is, in my opinion, trifling with the King's commands, and amounts to a refusal to give at all; and I am satisfied will be seen in this light by my superiors; who, by your bill above mentioned, which I shall lay before them, and by the whole of your conduct since you have been made acquainted with the designs of the French, will be convinced, that your resolutions are, and have been, to take advantage of your country's danger, to aggrandize and render permanent your own power and authority, and to destroy that of the crown. That it is for this purpose, and to promote your scheme of future independency, you are grasping at the disposition of all public money, and at the power of filling all the offices of government, especially those of the revenue; and, when his Majesty and the nation are at the expense of sending troops for the protection of these colonies, you refuse to furnish them with provisions

and necessary carriages, though your country is full of both, unless you can, at the same time, encroach upon the rights of the crown, and increase your own power, already too great for a branch of a subordinate dependent government, so remote from the principal seat of power.

"You have, Gentlemen, by a vote of your own House, without the consent of the government, empowered a committee of your members to borrow money upon the credit of the assembly, and to dispose of the same to certain uses in that vote mentioned. You have also, by votes and resolves of your own House, created bills or notes of credit, made payable to the bearers thereof, to the amount of fifteen thousand pounds, which you have issued in lieu of money, and they are now circulating in this province, without the approbation of the government. You have denied me access to your journals, and refused me copies of your minutes. And you have printed and published the secretary of state's letters to me signifying his Majesty's commands, not only without my consent, but contrary to an order I had issued to the printers, expressly forbidding the publication of those letters.

"Whether you have a right to the exercise of such extraordinary powers, his Majesty and his ministers will judge, before whom it is my duty to lay your proceedings as soon as I can come at them, and to whom they will appear the more dangerous, as neither they nor you can know but a future assembly may use those powers against the government by which they are protected.

"While I had any the most distant hopes of your coming into measures that might promote the public service at this critical conjuncture, I suffered some parts

of your conduct to remain unobserved upon; but, as I am now convinced, from the whole tenor of your behaviour, and from your message of yesterday, notifying your intentions to adjourn till September next without granting the necessary supplies, that you have no design to contribute any thing towards the defence of this country, I thought it right to be no longer silent upon those heads.

"Gentlemen, when the bill to prevent the importation of Germans, &c., was under my consideration, I took such advice upon it, and made such amendments to it, as I thought would best answer the public purposes, and put that trade upon such a footing as to prevent the many abuses that had been practised in it, and at the same time secure this city and province against the coming in and spreading of infectious distempers. How far the bill, as proposed by you, or amended by me, would, or would not, have answered those ends, was a matter proper to be considered at a conference, which you might have desired if you had thought proper, as it is the only means of bringing a bill to perfection, when the branches of the legislature differ in opinion concerning any amendments proposed to it; but, instead thereof, you have sent me a message filled with unjust reflections upon the amendments proposed by me, and plainly designed to represent me, as having no regard for the health or safety of the inhabitants of this country; in doing which, I cannot think you have paid a proper regard to truth. However, as it is not my intention to enter into a controversy with you upon that bill, which might have been agreed upon between us, had the usual method of proceeding in such cases been pursued by you, I shall say nothing more upon the head, especially as this matter seems purposely chosen to lead me and

the public from considering that part of your conduct, that must, in its consequences, most nearly affect the inhabitants of this province."

It is in every reader's power to confute every article of this message from the materials before him, though not to account for the governor's reasons for so unseasonably exposing himself; but as we have heard one party, it is fit we should hear the other; and, if they have been guilty of any partiality, or failed in any point of justice to themselves, let him supply the defect, or correct the error, that finds himself qualified so to do.

The piece that ensues was their answer, to wit;

"May it please the Governor,

"When we met in obedience to the governor's summons, on the 17th of March last, we really brought with us the sincerest inclinations to promote the public service, by granting the supplies expected by the crown; and we trust it will appear to all who impartially examine the proceedings of that session, that we did every thing in our power, as our affairs were then circumstanced; and consequently, that the danger to which this country stood exposed, and his Majesty's repeated and affectionate calls, had great weight with us, whatever they had with the governor.

"The bill we sent up, for striking the sum of twenty-five thousand pounds, and giving the same to the King's use, and for providing a fund to sink it, had nothing extraordinary in its nature, or differing from other bills heretofore passed or presented for like purposes in this province, excepting that the sum given was extraordinary, compared with the time proposed for sinking it; the sum for the Canada expedition, in

the last war, being but five thousand pounds, to be sunk in ten years, and this sum, though five times greater, was to be sunk by the same fund, in the same number of years. In the bill five thousand pounds of the sum were appropriated to pay for provisions bought and given for the use of the forces in Virginia, under General Braddock; ten thousand pounds more were given to buy provisions for the New England forces under his command; five thousand pounds more were subjected to his order, and to be disposed of for the King's service as he should think fit; and the remaining five thousand pounds were appropriated for the subsistence of Indians taking refuge in this province, payment of posts or expresses, hire of carriages, clearing of roads, and other necessary contingent expenses for the King's service, as might be incumbent on this government to discharge. Thus the whole twenty-five thousand pounds was appropriated to the King's service; and almost all of it to the immediate use of General Braddock, or to such purposes as were by him especially recommended in his letters, laid before the House by the governor. The members of the House, mentioned by the governor, were to have no share in the disposition of it; it was disposed of by the bill, and they could only have the trouble of laying it out according to the appropriation, and keeping the accounts. This is truth, and well known to the governor, if he perused our bill with any degree of attention; yet how differently is it represented in the governor's message! It is called only, 'a bill for striking twenty-five thousand pounds'; which is but a part of the title, the words, 'and for giving the same to the King's use,' being (as it would seem) carefully omitted, lest they might militate against the assertion which immediately follows, that 'twenty thou-

sand pounds of it were subjected to the disposition of some members of the House, and of the assembly for the time being.' Then it is said, 'It gave General Braddock a power over no more than five thousand pounds,' because it gave him a power to draw for, and appropriate as he pleased, no more than that sum, though all the twenty-five thousand pounds (except a small part for the support of Indian refugees, which is likewise for the King's service,) was appropriated for his, and his army's use, or services by him required; and we cannot learn that any other colony besides hath given, or offered to give, that gentleman a power over as many pence. Great subtilty and dexterity appear in this manner of disguising truths, and changing appearances, but we see in it very little candor and ingenuity.

"In the next paragraph of the governor's message, there are many assertions in which we think we are equally misrepresented; we are charged with 'offering money in a way, and upon terms, which we knew the governor could not, consistent with his duty to the crown, consent to.' We really thought, and still think, it was inconsistent with his duty to the crown to refuse it; if we are mistaken, it is an error in judgment; we have appealed to our gracious King on this head, and we hope for a favorable determination. We are charged with 'trifling with the King's commands, and refusing to give at all,' though we have actually given great sums in obedience to those commands, and earnestly endeavoured to give much greater, which the governor refused, unless we would give in a manner which we think inconsistent with our present just liberties and privileges, held under the royal charter. We are charged with 'resolving to aggrandize our own power, and destroy that of the crown;' a charge, as

we conceive, utterly groundless, and for which we have never given the least foundation. We are charged with a 'scheme of independency.' We have no such scheme, nor ever had, nor do we, as a part of the legislature, desire any independency but what the constitution authorizes, which gives us a right to judge, for ourselves and our constituents, of the utility and propriety of laws, or modes of laws, about to be made; and does not yet, and we confide never will, oblige us to make laws by direction. We are charged with grasping at the disposition of all public money, and at the power of filling all the offices of government; a charge, as we conceive, equally groundless and invidious; we have, by law, a right to dispose of some public money, and we cannot be properly said to grasp at what we are in possession of; that part of the public money which the governor receives, arising by licenses, &c., great as it is, he disposes of as he pleases, and we have never attempted to interfere in it; nor can one instance be given of our attempting to fill any office, which we are not by some express law empowered to fill. But the heaviest charge of this paragraph concludes it. The governor is pleased to say, 'When his Majesty and the nation are at the expense of sending troops for the protection of these colonies, you refuse to furnish them with provisions and necessary carriages, though your country is full of both; unless you can at the same time encroach upon the rights of the crown.' This charge is really amazing! It requires, however, no other answer, than a simple relation of fact. In the same session, and as soon as it appeared there was no hope of obtaining the bill for giving twenty thousand pounds to the King's use, and many weeks before the forces arrived, we voted and gave five thousand pounds to purchase provisions and other

necessaries for those forces; these provisions were accordingly bought, and are sent to Virginia, being the full quantity required of us; we have since given ten thousand pounds to purchase provisions for the New England forces; it was given as soon as requested, and before the troops were raised; those provisions are most of them actually purchased, great part sent away, and all will probably be at the place appointed before they are wanted. We gave not a pound of provision less than was asked of us, and all the carriages required of us have been furnished. This has been done with the greatest readiness and alacrity, and done, we conceive, without the least encroachment on the rights of the crown, unless 'borrowing money on our own credit' (which we thought even every private man had a right to do, if he had any credit,) be indeed such an encroachment.

"Indeed the next paragraph begins with charging this upon us as a crime, 'You have,' the governor is pleased to say, 'by a vote of your own House, without the consent of the government, empowered a committee of your members to borrow money upon the credit of the assembly, and to dispose of the same to certain uses in that vote mentioned.' By this caution in expressing the uses, a stranger might imagine, that they were wicked, if not treasonable uses, and that the governor, out of mere tenderness for his people, forbore to explain them. But the uses mentioned in the votes, are, to purchase fresh victuals, and other necessaries, for the use of the King's troops at their arrival; and to purchase and transport provisions requested by the government of the Massachusetts Bay, to victual the forces about to march for securing his Majesty's territories. These are the uses, in the votes mentioned, and the only uses; and we can conceive no reason

for touching them so gently by the name of *certain uses*, unless the governor thought, that being more explicit on the uses might seem to lessen, in some degree, the heinous crime of *borrowing money on our own credit.*

"The governor is pleased to add, 'You have also, by votes and resolves, of your own House, created bills, or notes of credit, made payable to the bearers thereof, to the amount of fifteen thousand pounds, which you have issued in lieu of money, and they are now circulating in this province, without the approbation of the government.' This charge, we presume, will, like the rest, vanish on a little explanation. By the laws of this province now in force, and which have received the royal assent, the disposition of the interest money and excise, is vested in the assembly for the time being; out of this revenue the assemblies have, from time to time, defrayed the charges of government. The constant method of payment was always this; when an account against the public was allowed, or any expense for public service agreed to, an order issued, drawn on the treasurer or trustees of the loan-office, and signed by the speaker, or the clerk, by order of the House. As these orders were generally paid on sight, they naturally obtained some credit, and sometimes passed through several hands before payment was demanded. At the last settlement of the public accounts, it appeared, that a considerable sum of this interest and excise money, over which the assembly alone had a legal power, ought to be in the hands of the treasurer and trustees. The governor himself was pleased to point this money out to us, to compute the sum, and urge the House to make use of it, when in January last he refused their bill for giving twenty-five thousand pounds to the King's

use. The House alleged, and truly, that the money was outstanding in many hands, and could not suddenly be collected, without distressing and ruining the people. However, on the credit of this fund, we voted the first five thousand pounds for provisions, and ordered the money to be borrowed on interest. And at the last sitting, when the governor refused to pass our bill for giving twenty-five thousand pounds to the King's use, he may be pleased to remember, that he sent us down a message in which, after the reason given for not passing the bill, there are these words; 'As this is a time of imminent danger, and the forces raised and destined for the service of the colonies must wait the supplies from this province, I again entreat you to fall upon some other method of raising money, that we may not lose this happy opportunity of recovering his Majesty's dominions now invaded by the French King.' The House accordingly fell on this other method; they gave ten thousand pounds of the money in their power to the King's use; they appointed a committee to purchase the provisions required, and empowered them to draw for the sum on the treasurer or trustees of the loan-office, as had been usual; with this only difference, that as former drafts were payable on sight, and therefore bore no interest, these being payable in a year, were to bear interest; and in the mean time the outstanding money was ordered to be got in, that the drafts might be punctually discharged. Moneyed men, knowing the goodness of the fund, and confiding in the justice and punctuality of the assembly, which has always honorably discharged the public debts, have voluntarily furnished the committee with cash for these drafts, which they have laid by in their chests to receive in time the interest. Thus the King's forces have been expedi-

tiously supplied, the people have time to pay off their debts to the public, and no one is oppressed, distressed, or injured; nor is any encroachment made on the powers of government, or any thing done that has not been usual, or which the assembly are not by law empowered to do. Yet this is what the governor represents as 'creating bills of credit, and issuing them in lieu of money, without the approbation of the government'; by which, persons unacquainted with the fact might understand we had been making paper money, and issuing it on loan, or in some other manner, to produce an advantage to ourselves, and attempted to make it a legal tender without the governor's assent, &c., all which is mere misrepresentation or misapprehension, as will appear by the resolves themselves, to which we beg leave to refer. After this explanation of our conduct, we believe it will clearly appear, that the governor's insinuation, as if we had used powers dangerous to the government, is as groundless as it is unkind.

"The other charges, of 'denying the governor access to our journals, and printing the secretary of state's letters,' having been made and answered in former messages between the governor and the House, we think it unnecessary to take any further notice of them here. But we are surprised to find, that, after having effectually given fifteen thousand pounds in provisions and other necessaries for the King's forces, maintained at so great an expense our Indian allies, established a constant regular post through two hundred miles of country, merely for the service of the army, and advanced a considerable sum to make a long and chargeable road through the wilderness and mountains to the Ohio, for the use of the King's forces, the whole expense of which we have engaged to

defray, we should still be flatly told by the governor, 'that he is convinced from the whole tenor of our behaviour, that we have no design to contribute any thing towards the defence of this country.'

"The governor is pleased further to censure us for not desiring a conference on the bill to prevent the importation of Germans, or other passengers, in too great numbers in one ship or vessel, and to prevent the spreading of contagious distempers, &c. We own that it is sometimes practised, when the governor and assembly differ in judgment concerning a bill, to request a conference, if there be any hope by such a conference to obtain an agreement; but we, being, from many circumstances attending the bill, without such hope at present, contented ourselves with laying before the governor, in a message, our reasons for nol agreeing to his proposed amendments, and submitted those reasons to his consideration; the bill may stilt be resumed, and a conference entered into at a future session, if there should be any prospect of success. If our proceeding was irregular, which we think it was not, the governor may be pleased to remember, he himself set us a more irregular example at our last sitting, when we presented him the bill for granting twenty-five thousand pounds to the King's use; for he neither proposed any amendment, nor desired any conference, nor would return us our bill (when we expressly sent for it to be reconsidered) according to the constant custom in this government, but only acquainted us, that, 'it being a bill of a very extraordinary nature, he would send it home to the ministry;' which we hope he has accordingly done, as we believe it will be found, however the governor may have misapprehended it, to have nothing extraordinary in its

nature, or inconsistent with our duty to the crown, or assuming more than our just rights and privileges.

"On the whole, while we find the governor transforming our best actions into crimes, and endeavouring to render the inhabitants of Pennsylvania odious to our gracious sovereign and his ministers, to the British nation, to all the neighbouring colonies, and to the army that is come to protect us; we cannot look upon him as a friend to this country. We are plain people, unpractised in the sleights and artifices of controversy, and have no joy in disputation. We wish the governor of the same disposition; and when he shall, as we hope he will on better consideration, alter his conduct towards us, and thereby convince us that he means well to the province, we may then be able to transact the public business together with comfort both to him and ourselves; of which till then we have small expectation."

Such was the language of liberty, truth, and candor! We feel the force of it; we cannot resist its authority. And if the governor had the mortification to find they had ordered both his message and their answer to be printed in their gazettes, he had also the pleasure to find himself excused for the present by their adjournment from the impossible task of constructing such a reply as the pressure of his case required.

Perhaps they thought the absurdity he had fallen into, by charging them with a resolution to take advantage of their country's danger, to aggrandize and render permanent their own power and authority, too glaring to need any comment. Perhaps they did not think it propef to retort, that the inhabitants of a colony, so remote from the principal seat of empire, had

abundantly more to apprehend from an excess of power in their governor, than the governor could possibly have from a like excess in their representatives; the executive, as before observed, being a single principle always in force, and the legislative composed of two co-equal principles, which must always tally, or can no otherwise operate, than by restraining and controlling the operations of each other, as in the case before us; and, perhaps, they had not the resolution of the House of Commons of July 2d, 1678, in sight at that time, which was as follows, viz.

"That all aids and supplies granted to his Majesty in Parliament, are the sole gift of the Commons; that all bills for the granting any such aids and supplies ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit, and appoint, in such bills, the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed by the House of Lords." To say nothing of certain remarkable provisions of theirs in the year 1678 (which, in a course of conferences with the Lords, they adhered to) to appoint a receiver of their own for the administration of the money then granted for the payment and disbanding of the army, and the payment of the same into the Chamber of London, instead of the Exchequer.

CHAPTER IX.

An Acknowledgment from the Officers of the Regular Forces of certain Presents made to them by the Assembly. The Governor's Message to the Assembly, said to be founded on a Representation of General Braddock's, requiring them to enable him to furnish the said General with Provisions under proper Convoys. The Assembly desire to have the General's Letter laid before them, which the Governor declines, and thereby occasions a new Controversy. The Assembly send up two Money Bills; not approved by the Governor. The Assembly adjourn, but are again convoked on Occasion of Braddock's Defeat. The Governor's Speech. The Assembly vote an Aid of Fifty Thousand Pounds by a Tax on all real and personal Estates. The Address of the Assembly to the Governor. Their Fifty Thousand pounds Money Bill returned, with an Amendment, by which the whole Proprietary Estate was to be exempted from the Tax. The Message of the Assembly to the Governor on that Occasion, desiring his Reasons for that Exemption. The Governor's Reply, containing Four curious Reasons. The Assembly's Rejoinder refuting those Reasons.

THEIR adjournment was to the 1st of September; but they were assembled by special summons on the 13th of June; and the first minute on their books of public note is one, to specify the approbation given by the Lords Justices to Governor Thomas's act for granting five thousand pounds out of bills of credit for the King's use. The date of this approbation is October 9th, 1748, so that it was subsequent to the King's instruction so pertinaciously insisted upon; and having, either by some accident or neglect been overlooked thus long, the governor, as we have seen, had in the December before taken the advantage to express himself thus hardily to the assembly; "Colonel Thomas's conduct is no rule to me, nor will mine be for any one that may succeed me; and, if we may judge from his not transmitting that act to England, we may presume, that he did not look upon that particular as the most recommendatory part of his admin-

istration. It is true, he was never censured for it; and, indeed, how could he, as the transaction was never made known to his Majesty or his ministers."

And the next minute that follows this, concerning the said approbation, notifies,

That sundry letters from Sir Peter Halket and Colonel Dunbar were then read, acknowledging the receipt of certain presents from the House to the officers of their respective regiments, of the most considerate and acceptable kind, and returning thanks for the same.

The reason of this summons assigned by the governor in his message was to this effect, "That General Braddock having begun his march towards fort Duquesne, had represented to him, 'that, in case he should reduce that fort, his intentions were to leave a garrison, with all the guns, stores, &c. he should find in it; that in case the French should abandon and destroy the fortifications, &c., as he had reason to apprehend they would, he should then repair it, or construct some place of defence; but that in either case, as the artillery, stores, &c. he had with him would be absolutely necessary for the prosecution of his plan, he was determined to leave none of them behind him, and expected to have all his wants of that kind, as well as provisions for his garrison, supplied by the governments of Virginia, Maryland, and Pennsylvania; and, that he might not be delayed in his operations, those things might be immediately forwarded to him under proper convoys;'" adding, that the said general had lately received intelligence, which he had communicated to him, that the French, together with their Indians, intended as soon as the army was far advanced to fall upon the back country; and that, though the general thought it a bravado, he also thought it advisable to take all possible precautions against it;

that he had called them together upon this application and intelligence; that he had recommended it to them to enable him to furnish such of the things demanded as were proper for the province, and to conduct them to the places where they would be wanted, which could not be well done without a strong guard; as also, by a militia or otherwise, to protect the said back country against the incursions of the enemy; that, upon the receipt of the general's letter, he had written to the governors of Virginia and Maryland, to know what shares of these supplies their governments would respectively furnish; that he needed not enforce the point by any other arguments, than that fort Duquesne was within their province, and that the great expense the nation was at on this occasion would be thrown away, his Majesty's intentions rendered abortive, and his arms dishonored, if the countries the said general should recover were left in such a naked condition, that the French might take possession of them again, as soon as the army should be withdrawn, &c.

A very little skill in political matters would have shown those concerned, that there was rather more management concealed under this speech than was strictly necessary, and put them on their guard accordingly.

The assembly of Pennsylvania had some wisdom as well as much plainness; and therefore, by way of preliminary, desired to have the letter in their custody, which was to be the ground of their proceedings. The governor hesitated; said it contained many matters not proper to be made public; that it would not be safe, therefore, unless the House would previously promise him it should not be printed; but, however, he would show it to a committee, if the House would appoint one for that purpose. The House, on the

other hand, renewed their request in writing, alleged that it had always been the custom, when assemblies were called together on occasion of letters received, to communicate those letters; that giving a committee a sight of letters, on which any important step was to be taken, did not seem sufficient; but that the letters should lie before the House to be read as often as necessary to the right understanding of the matters they contained or required; that the governor might safely put his trust in the prudence of the House; in fine, they would hear of no alternative, since the importance of the contents of that letter had been urged as the reason for calling them together at so unseasonable a time of the year; and, as they could not take the letter into consideration without seeing it, they hoped he would not, by starting new methods of proceeding, and engaging them in trivial disputes, any longer obstruct or delay the public service.

This was done the 16th. The next day, instead of an answer, the governor sent them down a brace of new messages. One in the morning, giving them to understand, "That the roads they had ordered to be made to the Ohio would be attended with a much greater expense than was at first imagined; that the money sent to the commissaries was already spent; that more was wanting; and that, the general having discharged the soldiers' wives out of the army, with a stoppage of one shilling sterling a week out of their husbands' pay for their subsistence, it would become the compassion of the province to supply what would be farther necessary for that purpose;" — and another in the afternoon, containing more intelligence. Intelligence he himself had now received, and had forwarded to the general; namely, that several bodies of troops had passed from Canada over the Lake Ontario in

their way to the Ohio, to join the forces already there; that the French were doing their utmost to engage the Indians on their side; and, rather than fail, were determined to oppose General Braddock with the whole force of Canada. Containing also a repetition of what in effect he had said before concerning the back country, heightened with some new apprehensions, that, when the troops were removed, the enemy might either cut off or greatly interrupt their communication with the province, which might be every way attended with fatal consequences. And all was made use of to authorize a fresh demand for a militia law, and a new demand for a supply to enable him to build strong houses on the new road to the Ohio, and to maintain such a number of men as should be necessary to keep the communication between the province and the army open, escort provisions, stores, &c., that the general might neither be forced to weaken his army by making detachments from it, nor expose those detachments to be surprised and cut off; and that he might occasionally make use of them as auxiliaries too, in case the numbers brought against him should make such a reinforcement necessary; and (after having rung all the changes that such a medley of demands and suggestions in such hands was capable of) making the province answerable, as usual, in case of non-compliance, for all mischiefs.

On the 21st, however, when the House (having taken into consideration, that the fifteen thousand pounds given to the King's use in the preceding April, and paid out of the money in the disposition of the House, which was almost exhausted, could not answer all the purposes intended by the bill for granting twenty-five thousand pounds, to which the governor refused his assent) had already prepared two money bills, one for

striking ten thousand pounds for the exchange of defaced bills, and one of fifteen thousand pounds more for the King's use, the governor's answer concerning General Braddock's letter came. And therein he asserted, that the governor for the time being had a right to call the assembly together whenever he thought the public service required it; that his speeches or messages were a sufficient foundation for them to proceed upon; that they having, by the plenitude of their own power, not only given their orders to the printers to proceed with the publication of the secretary of state's letters, in contradiction to his to the contrary, but also claimed a right of doing the same by any other papers laid before them, they could not be at a loss for the reason of his caution on the present occasion; that he, being answerable for every secret of state that should be communicated to him for the King's service, and by the nature of his station the sole and only judge what letters and papers were proper to be made public, did expect a promise of secrecy from the House, either verbal or otherwise, or something tantamount to it; and that otherwise he should not communicate it.

And, on the 26th following, the assembly returned their answer. In the opening of which, having admitted the governor's right or power to call them together, they, nevertheless, insist on the usual manner of exercising it; that is to say, with a proper regard to the convenience of the members at their harvest, and to despatch, when necessarily summoned at that or other unseasonable times, for the sake of keeping up a good understanding between the governor and them. "But," said they, "should our governors consider this power, as a power of bringing us together at a great expense to the country, merely to

show their abilities in contriving new modes, or making new demands upon the people, to obstruct the ends of their meeting, we apprehend it will answer no valuable purpose." That his speeches and messages were a sufficient foundation for them to proceed upon, they also admitted to be occasionally true; but then they were of opinion, on the contrary, that when his writs of summons were founded on letters or advices, referred to in his said speeches and messages, they had a right to have the original papers laid before them; and they averred this had ever been the practice in their province; so that a different conduct at that time could only tend to obstruct the public business before them. "If governors," they farther intimated, "might differ in their modes of conducting themselves, according to the different reasons for choosing them or purposes to be served by them, it became the people nevertheless to be consistent with themselves at all times, which could never be if they did not make original papers the rule of their proceeding. The objection drawn from their printing the secretary of state's letter, so often recurred to by the governor, though so fully confuted, they would not allow to be of any weight, unless he could show, their printing it had discovered any of his Majesty's designs and commands, with respect to the French, not more generally known before by his own messages, the public prints, and the speeches of other governors; especially as it had been communicated without any caution, and had been printed before this objection of his was known. Answerable for every secret of state communicated to him by his superiors as such, they seemed willing to allow; but such as he was enjoined to lay before the assembly, they contended, were so to be laid before them, and they were to be responsible for the use

made of them afterwards. And as to his sole and only power of judging what papers were fit, and what not, to be laid before the public, they so far disputed it, as to except such papers as were necessary for their justification, which, they presumed, were subject to the decisions of their own prudence only, wherein they were assured he might very safely confide."

The more trivial this dispute may appear, the more apparent becomes that spirit of perverseness which the proprietaries had let loose, to keep the province in a perpetual broil; till, weary of the conflict, they should grow tame by degrees, and at last crouch, like the camel, to take up what load, and carry it what length of way, their drivers pleased.

On the said 21st of June, when the governor's litigious message thus answered came down, the House sent up their two money bills with a message, importing, that the several services, by them enumerated, having almost exhausted their treasury, they had sent up a new bill to give the additional sum of fifteen thousand pounds for those purposes; in which bill, said they, (for the rest of the message shall be given in their own words,) "We have carefully followed the act passed by Governor Thomas, in 1746, for granting five thousand pounds for the King's use, and the other acts relating to our bills of credit, confirmed by the crown on the 29th of October, 1748; from which acts so confirmed, the enacting clauses, so far as they could be made agreeable to our present circumstances, have been inserted in this bill, that every objection arising from the royal instruction to Colonel Thomas, in 1740, might be obviated by a direct decision of the highest authority. And as that confirmation of our acts, which we presume will have its due weight with our governor, may be more certainly known to him

than it appears to have hitherto been, we take the liberty of sending him the original confirmation.

"We have only to entreat the governor would be pleased to give this bill all the despatch in his power, as our long sitting at this time is in every respect unseasonable, and the presence of many of our members is now absolutely necessary at their homes, for the better security of their harvests under their present calamitous circumstances."

To understand what is here meant by the words *calamitous circumstances*, it is necessary the reader should be informed, that Pennsylvania, having been visited this year with a severe frost and drought, which had obliged the inhabitants in many places to mow their wheat, in order to supply the want of fodder for their cattle, no longer abounded in bread-corn, as it usually does; and very melancholy apprehensions began to be entertained, that the miseries of scarcity would be superadded to those of war.

From the 21st to the 25th, nevertheless, the governor brooded over the two bills (viz. the ten thousand pounds bill for exchange, and the fifteen thousand pounds bill for the King's use,) and then sent down a message acknowledging, that many of the bills of credit were in a bad condition; but requiring to be first satisfied, how much of the money formerly struck for exchanging bills, and of which three thousand three hundred and two pounds six shillings and eight pence was at the last settlement remaining in the hands of the trustees, was still so remaining, before he passed that bill. He was answered the same day, that, according to the best computation that could be made, the sum was one thousand three hundred and two pounds six shillings and eight pence. Before that answer could reach his hands, his secretary was de-

spatched to the House with such amendments to the other, which was the principal bill, as he was, unquestionably, preconvinced the assembly would never comply with. And that this is no uncharitable or unreasonable assertion, is manifest from the whole tenor of his conduct, which was demonstrably such as would have better become a French governor than an English one.

The assembly, however, bestowed a proper time of consideration on those amendments, and then acquainted him by message, that they adhered to their bill in all its parts; but accompanied this declaration with a question, Whether he would pass it into a law as it then stood? To which he answered first, that he would take it into consideration; and finally gave it under his hand, that he adhered to his amendments, without assigning any reasons, desiring a conference, or having recourse to any other expedient usual on the like occasions.

The ten thousand pounds bill for exchanging torn and defaced money, met with a better fate; for after some concessions on both sides it was passed into a law; and this was almost the only fruit of a session so unseasonably exacted, and introduced with such extraordinary demands.

Then they acquainted the governor by message, that they proposed to adjourn to the 1st of September then next ensuing; and the governor signified in reply, that he had no objection thereto.

Notwithstanding which he summoned them again to meet on the 23d of July; and they met accordingly, gave him notice thereof as usual, and required a copy of the writs by which they were summoned. His answer was not returned till the next day, and then what he said was to this effect; That he should have

laid the business he had for the consideration of the House before them the day preceding, had not the shocking news he had received, prevented his getting it ready time enough; but that the House should hear from him that morning, and also have the copy of the writ as desired.

This shocking news was the strange, unprecedented, ignominious defeat of General Braddock; and what, if possible, is more shocking still, this incident, which, though so inconsiderable to the whole, struck so much horror through every part, had no more effect on him than the miracles of Moses had on the heart of Pharaoh.

If the exposed condition of the province had before furnished him with topics for levies of money and troops, and for placing an unlimited confidence in him their governor, and his first movers the proprietaries, he now thought it would render his eloquence irresistible; and at all hazards resolved to make the most of it.

Fear, though most an enfeebler of any of the passions, has the strongest dominion over us; and, while we are scarce half of ourselves, it is not to be wondered, that we become the property of anybody else.

With a face, and a voice, and whatever else was suitable for the practice now to be tried, did the governor now meet the assembly; and having despatched his text (the defeat of Braddock) in less than six lines, came at once to use and application in the terms following; "This unfortunate and unexpected change in our affairs will deeply affect every one of his Majesty's colonies, but none of them in so sensible a manner as this province, which, having no militia, is thereby left exposed to the cruel incursions of the French and their barbarous Indians, who delight in

shedding human blood, and who make no distinction as to age or sex, as to those that are armed against them, or such as they can surprise in their peaceful habitations; all are alike the objects of their cruelty, — slaughtering the tender infant and the frighted mother with equal joy and fierceness. To such enemies, spurred on by the native cruelty of their tempers, encouraged by their late success, and having now no army to fear, are the inhabitants of this province exposed; and by such must we now expect to be overrun, if we do not immediately prepare for our own defence; nor ought we to content ourselves with this, but resolve to drive and confine the French to their own just limits."

Here the noble example of the eastern governments (New England), in forcing the enemy to keep a due distance from their borders, was recommended and enforced; and then, returning to his main point, he again expatiated thus; "Allow me therefore, Gentlemen, to recommend to your most serious consideration the present state and condition of your country, the danger to which the lives and properties of all those you have undertaken to represent, stand exposed at this critical and melancholy conjuncture; and to desire that you would not, by an ill-timed parsimony, by reviving any matters that have been in dispute, or from any other motive, suffer the people to remain any longer undefended, or the blood of the innocent to be shed by the cruel hands of savages. There are men enough in this province to protect it against any force the French can bring, and numbers of them are willing and desirous to defend their country upon the present occasion; but they have neither arms, ammunition, nor discipline, without which it will be impossible to repel an active enemy, whose trade is war.

I therefore hope, that you will, without delay, grant such supplies as may enable me not only to secure the people of this province, but, by reinforcing and assisting the King's troops, enable them to remove the French from their present encroachments.

"If something very effectual be not done at this time for the safety and security of the province, the enemy, who know how to make the best use of a victory, will strengthen themselves in such a manner, that it will be next to impossible for us to remove them."

In effect, the assembly chose, for this once, to be blind to the artificial part of his speech, and to discharge their own duty in such a manner as should leave him, even on his own premises, inexcusable for any failure on his side.

On the very next day they granted an aid to the crown of fifty thousand pounds; and though it is plain by this that they did not want a goad, on the next following, when they had the ways and means of raising this sum under consideration, the governor, by message, apprized them that Colonel Dunbar, with the remainder of the King's forces, had reached Fort Cumberland; and that, as soon as his circumstances would admit, he intended to continue his march to Philadelphia; and that he had laid these matters before them, that they might fall upon measures, as soon as possible, for the protection of the western frontier.

But this had not the desired effect; for the assembly in their reply most rationally suggested, that Colonel Dunbar's forces might be employed on this service; and requested the governor to make use of his instances accordingly. This he could not refuse; but the sequel may show how little desirous he was of having the province defended by those forces.

The next day, while the House was debating on the ways and means, among which one was known to be taxing the proprietary estate in proportion with others, a pompous message was sent down, containing an offer on the part of the proprietaries of one thousand acres of land, west of the Allegheny mountains, without purchase-money, and for fifteen years clear of quit-rents, to every colonel who should serve on an expedition from that or the neighbouring provinces against the French on the Ohio; seven hundred and fifty to each lieutenant-colonel and major; five hundred to each captain, four hundred to each lieutenant and ensign, and two hundred to every common soldier; and requiring the House to afford some assistance to such as should accept the same.

To make up weight, a letter of intelligence from an Indian trader lately returned from Canada, whither he had fled to avoid being apprehended for killing a man, was sent along with this message; and, upon the heels of both, a remonstrance (not a petition) was conjured up, from sundry inhabitants of the city and county of Philadelphia (emigrants from the famous borough of Totness it must be presumed), and presented to the assembly, containing a *submissive conceit*, that one hundred thousand pounds, was as small a sum as would answer the present exigency; and signifying the willingness of the presenters to contribute their proportion of the same, or of a larger sum if necessary; not to insist on sundry petitions from many of the inhabitants of three townships; and two more from sundry inhabitants of the county of Chester, who made it their prayer to be furnished with arms and ammunition for defence of their houses and families.

The assembly, in the mean time, with a degree of composure and steadiness, which, in a higher orbit,

would be called dignity and magnanimity, delivered their sentiments and purposes in one address to the governor, in the following concise but weighty terms; viz. "We have deliberately and seriously considered the governor's speech of the 24th instant, together with the letters and papers he has been pleased to lay before us, by which we find, that the defeat of the forces under the immediate command of General Braddock, and the retreat of Colonel Dunbar to Fort Cumberland, are attended with very shocking circumstances; nevertheless, it gives us real satisfaction, under this unfortunate and unexpected change in our affairs, that this province has seasonably and cheerfully complied with the demands of the King's forces, and that no part of this unhappy defeat can be laid to our charge.

"We think it our duty on this occasion to be neither parsimonious nor tenacious of such matters as have been in dispute, and are now under the consideration of our superiors; but, reserving to ourselves all our just rights, we have resolved to grant fifty thousand pounds for the King's use, by a tax on all the real and personal estates within this province, in which we shall proceed with all possible despatch; hoping to meet in the governor the same good dispositions he so earnestly recommends to us.

"The governor's call of our House at this time is agreeable to us, as it empowers us to exert ourselves yet farther in the service of our country; and the like opportunity given to the lower counties, under the governor's administration, we doubt not will be acceptable to them, and add their contribution to the common cause, before the time to which they stand adjourned."

And now a plain, unrefining reader would think,

that, the danger of the province being so great as the governor had described it, and the disposition of the assembly so sincere to provide for its security, the issue of the session could not but be as happy as the prospect was promising.

The very reverse of this, however, happened to be the case. The assembly found the proprietaries in possession of an immense estate, in lands and quit-rents; this estate was as much endangered as any other estate, and was to be defended in common with the rest; they did not think the immensity of it gave it any title to any exemption of any kind, and they found no such exemption specified in any of their charters.

Proceeding, therefore, by the rules of reason and equity, as well as policy, they taxed the whole land alike; and subjected the proprietaries, as land-holders, to a proportional share of all the claims and impositions, which their deputy would have exempted them from as governors in chief, and was so strenuous for imposing on the people alone; and this one bitter ingredient was *mors in ollâ*, death in the pot. The burdens, laid by the proprietaries or by proprietary power on the province, could not be too heavy; but they themselves would not charge a finger with the least part of the weight of them.

On the same day that the bill was sent up, it was returned with such amendments, as entirely exonerated the whole proprietary estate; and the following message was immediately prepared by the assembly, and despatched to the governor, to wit;

"May it please the Governor,

"The taxing of the proprietary estate with the estates of the people of the province, for their common

security in this time of imminent danger, seems to us so perfectly equitable and just, that we are surprised the governor should propose it as an amendment to our bill,* that the proprietary estate be in this instance exempted.

"As the occasion urges, we are extremely desirous to come as soon as possible to a conclusion in the business of this sitting; and do therefore entreat the governor would be pleased to acquaint us explicitly, whether he is restricted by the proprietaries from passing the bill as it stands in that particular, though it were otherwise consistent with his judgment, since it will only waste time to endeavour to convince him of its reasonableness, if after all it will not obtain his assent.

"Or, if it be possible that such exemption of the proprietary estate from its share in the common expense of securing the whole, should appear to the governor a thing right in itself, we would then request him to favor us with the reasons of his opinion, that we may take them immediately into consideration; for, till this matter is explained and understood, we think it needless to consider any other proposed alterations."

To this the governor the next day replied.

"Gentlemen,

"In answer to your message of yesterday, you will give me leave to observe, that, in the proprietary commission appointing me to this government, there is a proviso that nothing therein contained shall extend, or be construed to extend, to give me any power to do

* The bill laid the tax on all estates real and personal throughout the province, the proprietary estate "not excepted." The amendment proposed was in these words, "Dele the word '*not*' and insert the word '*only*.'" A small but very significant alteration.

or consent to any act whereby the estate or property of the proprietaries may be hurt or encumbered; and, this proviso being contained in the body of the commission from which I derive the power of acting as governor, it is not only the highest prohibition to me, but any law that I may pass contrary to that proviso, I imagine, would be void in itself for want of power in me to give it a being.

"But had I not been thus prohibited, I should still have thought it may duty, to have excepted the proprietary estate from the levies proposed to be made, for the following reasons.

"1. For that all governors, whether hereditary or otherwise, are, from the nature of their office, exempt from the payment of taxes; on the contrary, revenues are generally given to them to support the honor and dignity of government, and to enable them to do the duties of their station.

"2. For that this exemption from taxes, arising from the nature of government, is enforced by a positive law in this province, which expressly declares, that the proper estates of the proprietaries shall not be liable to rates or taxes.

"3. For that the proprietaries, by their governor, having consented to a law for vesting in the people the sole choice of the persons to assess and lay taxes in the several counties, without reserving to themselves, or their governor, any negative upon such choice, and this concession being made with an express proviso, that the proprietary estates should not be taxed, it will be very unreasonable to empower such persons by a law, without their previous consent, to tax their estates at discretion.

"4. For that it is contrary to the constant practice and usage in this and all the proprietary governments

upon this continent, so far as I have been informed, to lay any tax upon the lands or estates of the proprietaries, exercising the government by themselves or their lieutenants.

"For these reasons principally I made the amendments, relating to the proprietary estate, to your bill for giving fifty thousand pounds to the King's use; and I hope, Gentlemen, they will be sufficient to induce you to agree to those amendments. Were the proprietaries now upon the spot, I know their love and affection for this country to be such, that they would do any thing in their power for its preservation and safety; but, as they are not here, I have, on their behalf, proposed to give lands west of the Allegheny mountains, without any purchase-money, and free from the payment of quit-rents for fifteen years to come, and then not to exceed the common quit-rent in this province. The particular quantity proposed, as an additional encouragement for each officer and soldier, is expressed in a message to you upon that head."

And the next day but one the assembly rejoined, "That the intention of the bill was not to hurt or encumber (it being as little in their power or intention to hurt or encumber the estates of their constituents, as in the governor's to hurt or encumber the proprietary estate), but to free it from hurt and encumbrance; the worst of encumbrances, the neighbourhood of so mischievous an enemy, who, as they had been repeatedly told by the governor, had taken actual possession of some part, and laid claim to a much greater part of the proprietaries' country; they could not conceive how the giving a part to save the whole, and, in the proprietaries' case, not only to save the whole, but to render it of double or treble value, could properly be

called hurting or encumbering an estate; that, if the argument had any force, it had the same force in behalf of the people; and, consequently, he ought in duty to reject both parts of the bill for the same reason; that for their parts, happening to think otherwise, they had laid the tax as cheerfully on their own estates as on those of their constituents."

"That the proposed grant of lands, for the encouragement of military adventurers, west of the Allegheny mountains, without any purchase-money, was as absolutely irreconcilable with the letter of the proprietary proviso in his, the governor's commission, as his assent to the tax upon their estate could be represented to be; that if their love and affection for their country was such, that, if they were on the spot, they would do any thing in their power for its preservation; and if the governor, presuming on that love and affection, thought himself at liberty to dispense with so positive a prohibition, it might be asked, why could he not venture to do the same in one instance for the same reason as in the other? And if the grant of lands would be valid, notwithstanding such prohibition, why would not his assent to the bill be the same? That this magnified offer had in reality been proposed only to make the taxing of the proprietary estate appear less reasonable; that it was in effect an offer of amusement only, good lands not being so much as specified; and as good, as the best there, being to be had in Virginia (where quit-rents were but two shillings, whereas the common quit-rents in Pennsylvania were four shillings and two pence sterling) without purchase-money, and with the same exemption of that quit-rent for fifteen years to come; so that the encouragement, so graciously offered to those adventurers, to recover the proprietaries' lands out of the hands of the enemy,

was at the bottom no better than a proposal to reward them with a part of the lands, they were so to recover, at more than double the price demanded in the neighbouring province, without any of the risk they were in the present case to be exposed to.

"That the governor, being vested by the royal charter itself with all the powers granted thereby, for the good and happy government of the province, was in full capacity to pass the law in question, the proprietaries having no authority to restrain those powers; and all such restraints having been already considered and declared as null and void."

"That they did not propose to tax the proprietary as governor, but as a fellow-subject, a land-holder, and possessor of an estate in Pennsylvania, an estate, that would be more benefited by a proper application of the tax than any other estate in the province; that the proprietary did not govern them; that the province, at a large expense, supported a lieutenant to do that duty for him; that if the proprietary did govern them in person, and had a support allowed him on that account, they should not have thought it less reasonable to tax him as a land-holder for the security of his land; that they, the representatives of the people, were also allowed wages for their service in assembly; and yet the governor, they insinuated, would hardly allow it to be a good reason why their estates should therefore be tax-free; that it was scarce to be supposed the proprietary could, from the nature of his office, derive higher pretensions than the King himself; and yet that the King's tenants were, by every land-tax act, empowered to deduct the same out of their rent; and that the King's receivers were obliged, under severe penalties, to allow of such deductions; but that this was not the first instance by many, in which pro-

prietors and governors of petty colonies have assumed greater powers, privileges, immunities, and prerogatives, than were ever claimed by their royal master, on the imperial throne of all his extensive dominions."

"That the positive law of this province, hinted at by the governor as exempting the proprietaries' estates from taxes, was no other than the law for raising county rates and levies, which were in the same act appropriated to purposes for which the proprietaries could not reasonably be charged (as wages to assembly-men, rewards for killing wolves, &c.), not a general, constitutional law of the province; that, by a positive law, the people's representatives were to dispose of the people's money, and yet it did not extend to all cases in government; that, if it had, amendments of another kind might have been expected from the governor; seeing, that, in consideration of the purposes of the grant, they had allowed him a share in the disposition, and that he, by his last amendment, proposed also to have a share in the disposition of the overplus, if any."

"That they begged leave to ask, whether, if the proprietary estate was to be taxed as proposed, it would be equitable for the owner to have a negative in the choice of assessors, since that would give him half the choice, in lieu, perhaps, of a hundredth part of the tax; that, as it was, he had officers, friends, and other dependents, in every county, to vote for him, in number equal to the proportionable value of the share of the tax; that, if the proprietary shrunk at the injustice of being taxed where he had no choice in the assessors, they again asked, with what face of justice he could desire and insist on having half the power of disposing of the money levied, to which he would not contribute a farthing; that there was great impropriety in saying, that the proprietary estate was by this act

to be taxed at discretion, seeing the assessors were to be upon their oaths or solemn affirmations, which gave the proprietary as good security for equity and justice as any subject in the King's dominions."

"That as to the governor's plea, deduced from usage and custom, they alleged, usage and custom against reason and justice ought to have but little weight; that the usage of exemptions in cases where the proprietary estates could not be benefited by a tax, was not in point; that if it was, so far as regarded the estates of persons exercising government by themselves or lieutenant, it could not include the estates of proprietaries, who not only did not exercise government by themselves, but would moreover restrain their lieutenants from exercising the just powers they were vested with by the royal charter."

And their last paragraph was at once so cogent and pathetic, that it ought to be given in their own words, which cannot be amended, to wit;

"On the whole, we beg the governor would again calmly and seriously consider our bill, to which end we once more send it up to him. We know that without his assent the money cannot be raised, nor the good ends so earnestly desired and expected from it be obtained, and we fear his resolution to refuse it. But we entreat him to reflect with what reluctance a people, born and bred in freedom, and accustomed to equitable laws, must undergo the weight of this uncommon tax, and even expose their persons for the defence of his estate, who, by virtue of his power only, and without even a color of right, should refuse to bear the least share of the burden, though to receive so great a benefit! With what spirit can they exert themselves in his cause, who will not pay the smallest part of their grievous expenses? How odious

must it be to a sensible, manly people, to find him, who ought to be their father and protector, taking advantage of public calamity and distress, and their tenderness for their bleeding country, to force down their throats laws of imposition, abhorrent to common justice and common reason! Why will the governor make himself the hateful instrument of reducing a free people to the abject state of vassalage; of depriving us of those liberties, which have given reputation to our country throughout the world, and drawn inhabitants from the remotest parts of Europe to enjoy them? Liberties, not only granted us of favor, but of right; liberties, which in effect we have bought and paid for, since we have not only performed the conditions on which they were granted, but have actually given higher prices for our lands on their account; so that the proprietary family have been doubly paid for them, in the value of the lands, and in the increase of rents with increase of people. Let not our affections be torn in this manner from a family we have long loved and honored! Let that novel doctrine, hatched by their mistaken friends, 'that privileges, granted to promote the settlement of a country, are to be abridged when the settlement is obtained,' iniquitous as it is, be detested as it deserves, and banished from all our public councils! And let the harmony, so essential to the welfare of both governors and governed, be once again restored; since it can never be more necessary to our affairs than in their present melancholy situation! We hope the governor will excuse some appearance of warmth, in a cause of all others in the world the most interesting; and believe us to be, with all possible respect and duty to the proprietary family and to himself, his and their sincere friends and well-wishers."

The governor, on the other hand, to find them

employment while he had this puzzling paper under his consideration, called upon them again in his Majesty's name, like any constable, to put the province into a posture of defence by establishing a militia, so as that a due regard might be had to scrupulous consciences; and demanded an explicit answer.

This was done August 9th, being Saturday; on the Monday following, he gave them to understand, by another message, that, being quite uncertain what effect his letters to Colonel Dunbar with regard to the posting his troops on the western frontiers would have; having also been required by him to provide quarters for his troops, and having, upon application to the mayor and corporation of Philadelphia to provide quarters for them accordingly, been told, that they knew of no law to authorize them for so doing; a law would be necessary for that purpose, and recommended it to them to prepare one, those troops being then upon their march into the province, whether they were to remain there or not.

And on the morrow he plyed them with another teaser; which, together with the assembly's answer of the same day, and his rejoinder of the 16th, shall be given in the respective terms they were delivered.

"Gentlemen,

"I am importuned by the Indians, to let them know what it is this government has to impart to them. If they can be made hearty for us, they may prevent a great deal of mischief, engage other Indians in our favor, and be prepared for any other service that we may think proper to employ them in.

"To do this will require great skill, and an open hand, for presents they certainly expect, and will not, at this time, be satisfied with small ones.

"The Owendaets came on our invitation, and such terms must therefore be offered them as will effectually engage their friendship; the matter cannot now be minced, neither with them nor the other nations. You will therefore please to consider this matter well, and give me your sentiments and counsel in this nice and critical situation of our affairs."

The Assembly's Answer.

"May it please the Governor,

"The secretary, by a verbal message from the governor, on the 20th of December last, acquainted the House, 'that Scaroyady's son-in-law was charged with a message from the Owendaets, to inquire what their brethren the English designed to do in regard to the late encroachments of the French; and having heard, since he came to town, that the King of England intended to send over a number of troops to assist in repelling those invaders, he was willing, if the governor thought proper, to return to his nation, and acquaint them with the joyful news; the governor therefore desired the opinion of the House, whether it would be most advisable for Scaroyady's son-in-law to return now to the Ohio, or go to Onondago with Scaroyady.' Whereupon the House gave for answer, that it was their opinion that it would be most proper for Scaroyady's son-in-law to return to the Ohio as soon as conveniently he could. This is all the part our House have had in relation to the Owendaets; neither did we know of the least intention of inviting them, or any others; so that as they are now come down without our knowledge or request, entirely upon the governor's invitation, it is some surprise to us to find the Indians should have reason to importune him, or that he should be at any loss to know what it is he has to impart to them on this occasion.

"Our conduct towards the Indians in our alliance has been always candid, and free from any subterfuge whatever; so that we do not understand what the governor would mean by telling us 'that the matter cannot be now minced, neither with them nor the other nations.' And we are likewise at a loss to conceive why they should expect great presents from us, who are wholly ignorant of the intention of their coming.

"The governor has been pleased to refuse his assent to our bills which had provided for Indian and other expenses; and, as our treasury is exhausted by the very heavy charges for the King's service, these Indians are come among us at a very unfortunate time, when it is not in our power to supply them in the manner we are inclined to do; however, we will do all that can be reasonably expected from us, and must leave the rest to be supplied by the proprietaries, whose interest is at least as much concerned as ours in engaging the affections of the Indians at this time."

The Governor's Rejoinder.

"Gentlemen,

"If my message gave you room to think that the Owendaets came here on a particular invitation of mine, at this time, I have led you into a mistake. They set out from their country, as they have informed me, on the plan set forth in the minutes of council of the 20th and 24th of December last, which were laid before you.

"The other Indians, at their request, accompanied them hither as they were strangers; and Scaroyady says, he has some particular business to transact with this government. I have, in the name of the province, given thanks to the Owendaets for this kind visit, and to those of the Six Nations that were with our army

in the late action; assured them all of the affections of the English; recommended to them to continue firm in their attachment to us; and given them room to expect some presents as a token of our regard.

"As the treasury is exhausted, I can only say, that I will readily pass a bill for striking any sum, in paper money, the present exigency may require, provided funds are established for sinking the same in five years.

"The secretary will communicate to you what was said to the Indians yesterday, and I shall lay before you what may further pass between us, and earnestly recommend it to you to enable me to send these people away perfectly satisfied."

In this interval also, the governor, in another written message, did his utmost to refute the arguments urged by the assembly, to justify their claim to tax the proprietary estate; but, as the paper is long, and the assembly's answer to it much longer; as the dispute was again and again revived, and a thousand ways diversified; as the data already before us afford sufficient grounds for a fair decision; and as it would require the phlegm of a German to wade through all the minutenesses of it, all these pieces may be collected in an Appendix, for the sake of those so fond of precision, that they cannot be satisfied unless they see the whole of a controversy together.*

* The reasons here advanced, for throwing these papers into an Appendix, are sufficient for excluding them entirely from a permanent collection of Franklin's Works. They are wholly occupied with a controversy between the governor and assembly of Pennsylvania, on a topic of local and temporary interest, and run into details as tedious as they are unprofitable. The merits of the controversy, and all the points of argument, are stated in the text. The following are the titles of the papers alluded to.

1. "Message from Governor Morris to the Assembly, August 12th, 1755.

CHAPTER X.

The Governor calls upon the House to provide for the Security of the back Inhabitants. A Remark thereon. He embarrasses them with Petitions from certain Persons requiring to be armed. A Proposal from certain Gentlemen of Philadelphia to subscribe Five Hundred Pounds in Lieu of the Proprietary Proportion of the Tax. The Assembly send up their Bill to the Governor again, together with the said Proposal. Their Message to the Governor. Some seasonable Remarks. The Governor's verbal Answer to the Assembly's Message. He contends for a Militia. The Assembly order One Thousand Pounds to arm the back Inhabitants. They signify their Purpose to Adjourn. Their Proceedings at the next Meeting.

THE assembly, however, on the very day that they received the governor's paper, prepared him to expect a full, and as they hoped, a satisfactory answer; and in order that the public business of the greatest importance might not any longer be delayed by such disputes, took leave to acquaint him, "That the bill they had sent up to him was a money bill, granting fifty thousand pounds to the King's use, which they saw no reason to alter; that they, therefore, adhered to their bill, and desired the governor would be pleased to give his final answer, whether he would pass it or not, as it then stood."

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2. "The Assembly's Answer to the foregoing Message, August 19th.
3. "The Governor's Reply, September 24th.
4. "The Assembly's Rejoinder, September 29th.
5. "Extracts from the Votes of the Assembly, September 29th."

Any person, wishing to examine the subject, may of course find these documents in the original edition of the HISTORICAL REVIEW. They are also contained in Mr. Duane's edition, printed in Philadelphia, 1808. And again in his second edition of Franklin's Works, Vol. II. p. 138. See likewise "*Votes and Proceedings of the House of Representatives of Pennsylvania*," under the respective dates as given above; and the *Pennsylvania Gazette* for August and September, 1755. — EDITOR.

And upon the next, the governor signified in writing, to the assembly, "That, having amended the bill for raising fifty thousand pounds, and not being yet satisfied that it was in his power, or consistent with his trust, to pass it without these amendments, whatever he might be when he should hear what they proposed to say to him upon that head, he thought it necessary, in answer to their message of the day before, to inform them, that he did adhere to the amendments to the bill so by him made."

This message was also accompanied by another, in which the governor specifies, "That he had received a letter from Colonel Dunbar in answer to the proposition he had made to him [at the instance of the assembly, should have been acknowledged,] for posting part of his troops on the western frontier, signifying, that he was willing to employ them in the best manner he could, for the honor of his master and the service of the public, and enclosing the opinion of a council of war, by which he, the governor, was desired to give them a meeting at Shippensburg, where they would wait till he could join them; and that he should readily have gone thither for that purpose, had he not received another letter from Governor Shirley, (in answer to one of his, requesting orders for employing the remainder of the two English regiments in protecting the frontiers of that and the neighbouring provinces,) in which he said, he thought it for his Majesty's service to employ those troops another way, as those provinces were populous enough to protect themselves; and therefore had sent orders to Colonel Dunbar, under cover to him, to march his troops to that city; which he had [already] forwarded to him; and that, as the march of these troops would leave the western frontier exposed to the French and Indians,

he thought it his duty to communicate those matters to them, that they might, as soon as possible, make provision for the security of the back inhabitants, and for the subsistence of the troops during their march through the province, which might prevent great mischiefs to the people inhabiting near the road from Shippensburg to Philadelphia."

So that the march of our own troops is here discoursed of in such language as renders it doubtful for a moment, whether he is not speaking of the enemy. Governor Shirley's thoughts are immediately received as laws; Governor Morris has not a thought to suggest to the contrary; it was for the King's service to leave a province, actually invaded, as the last of these governors had over and over again asserted to the assembly, exposed to the ravages of the enemy; and though provision had been at first made for having four regiments to carry on the war in these provinces, these provinces were now all at once supposed to be in a condition to cover themselves, though some of them had not yet armed a man, or beat a drum.

Out of all which, such a jumble of ideas encounter each other, and such a variety of doubts and suspicions arises, that one cannot help wondering that the assembly did not call for these several letters, and from the evidence of their own eyes, and their own understandings, form such a remonstrance as would have displayed the whole state of things in its proper colors.

In this one instance, therefore, it may not be irrationally supposed, that their usual sagacity failed them; and this failure was no sooner discovered, than the governor came upon them with another message importing, "That his secretary would lay before them the copies of sundry petitions, which had been presented to him from several parts of the province,

representing their naked and defenceless condition, and praying to be enabled to defend themselves, which they were sensible was not in his power to comply with; that he would also lay before them a letter from one John Harris, giving an account of a large party of Indians actually set out from the French fort with a design to fall upon and destroy the inhabitants of this and the neighbouring provinces; that they had this piece of intelligence as he had received it; that they would form their own judgments upon it; that for his part he thought it probable; and that therefore he recommended it to them to take immediate thought about it, as the consequence would be very terrible to the inhabitants, if the account should prove true, and it could do them no injury to be upon their guard, if it should prove false."

This was dated the 15th. The 16th he farther gave them to understand, "That he found, by an extract of a letter from Governor Lawrence, of Nova Scotia, to Lieutenant-Governor Phips, of New England, sent by Governor Delancey, of New York, to him, that the French at Louisburg, were in such distress for want of provisions, that, if a supply could be prevented, they might be reduced to a necessity of giving it up to us; and that, therefore, he recommended it to them to think of some proper law, that their being supplied from Pennsylvania might be more effectually prevented."

And on the 19th he again notified, "That he had received letters by express from Governor Shirley, [which however he did not communicate,] acquainting him, that he had wrote to Colonel Dunbar, that it appeared clear to him (Shirley), as there would be four months of good weather before the winter set in, that with the number of forces the Colonel then had,

and the assistances he might have from Pennsylvania, Maryland, and Virginia, he might yet have it in his power to retrieve the loss sustained in the late defeat, by proceeding to fort Duquesne, and had sent him orders for that purpose; and that, in addition to this, he had said to him, that it would depend on those several provinces to assist Colonel Dunbar with reinforcements, provisions, ammunition, artillery, ordnance stores, carriages, horses, and all other things to fit him out for his march, &c., and that he had wrote to the same effect to Governor Dinwiddie and Governor Sharpe, whose assistance, with that of Pennsylvania, he entirely relied upon at that extraordinary crisis; that he must therefore recommend it to them, to enable him to do the several things so expected of them, to take the matter into immediate consideration, and give him their answer thereto, that he might send it forward to Colonel Dunbar, and the said governors of Maryland and Virginia, whose measures would, in a great measure, depend on what he should be enabled to do."

Now General Shirley himself, in the state of his own conduct, which he has lately laid before the public, says, first, that Colonel Dunbar did not receive any orders whatever from him till about the middle of August, at which time he had advanced far in his march to Philadelphia; and secondly, that the orders he then sent him, were to march his troops to Albany, there to be ready to assist either in the expedition against Niagara or Crown Point as his Majesty's service should require, or at least cover the country in case Major-General Johnson should be defeated by the French, &c.; nor does he mention one word of the assistances he expected, or had required, of the said provinces.

The General, nevertheless, might possibly have sent such orders subsequent.

The assembly did not, however, start any scruple on this head; but, as before, took all upon content; and behaved in every respect, as if they were altogether as solicitous to tax themselves, as their proprietaries.

To render this undeniable, an instance of a very singular kind is now to be brought forward. Certain gentlemen of Philadelphia, not of the assembly, to the number of twenty, subscribed in various proportions, the sum of five hundred and two pounds, ten shillings; and made a tender of it to the House with the following proposal, to wit;

"We the subscribers observe, with great concern that the governor and assembly differ in opinion, in respect to the taxing the proprietaries' estate; and lest by such difference in opinion the bill for raising fifty thousand pounds for his Majesty's service should not take effect;

"And as the assembly, in their message to the governor, seem to be of opinion, that were the proprietaries' lands to be taxed, the sum would not exceed five hundred pounds;*

"We, rather than the least check should be given to his Majesty's service at this time of imminent danger, by a matter so very trifling, do hereby promise and engage to pay five hundred pounds, money of Pennsylvania, into the public stock, for the King's use, in lieu of what the proprietaries would pay as their part of the fifty thousand pounds, were their lands to be taxed.

* This however was a forced construction put on the words of the assembly by these friends of the proprietary; and it appears by an act afterwards passed, that five thousand pounds, and not five hundred pounds, was looked upon and accepted as an equivalent for the proprietaries of a sixty thousand pounds tax.

"And as we declare the absence of the honorable the proprietaries to be our motive for making this proposal, being well assured, that, were they present, it would have been altogether unnecessary; we doubt not but they will honorably acquit every subscriber of this expense."

The House, taking it into consideration, resolved, "That such a proposal to this House is improper, as this House is destitute of the necessary information to assess any estate duly, and neither can nor ought to assess the proprietaries' estate at the sum proposed, or at any other sum whatever; and as, in case the subscribers should neglect or refuse to pay the sum subscribed, it would not be in the power of this House, not being a body incorporate, to sue them for the same. But, as the House presumes, that the said proposal may have arose from the subscribers' judgment of the equity of taxing the proprietaries' estate equally with all others in this province, for their common safety, ordered, that the said proposal be sent up to the governor as a further security to him, in case he should give his assent to the bill for raising fifty thousand pounds for the King's use," &c.

And having, on the 19th, prepared a suitable message, they sent it up together with their bill, to the governor, under a strong expression of hope, that, with this further security he would cheerfully give his assent to it.

At the same time, also, in a separate message, they farther apprized him, "That they had taken his message concerning Governor Shirley's orders into consideration; and that it was their opinion, his giving assent to their bill, which they earnestly requested of him, would enable him to do every thing, which could be reasonably expected from them."

And, that he might not serve any insidious purpose by his message concerning Louisburg, they sent him the following answer, in which they at once corrected his state of the fact by inserting the very words of Governor Lawrence's letter, and left him to answer for his deviation.

"May it please the Governor,

"We have considered the governor's message of the 16th instant, with the extract from Governor Lawrence's letter to Governor Phips, in which it is observed, 'that if the excellent laws prohibiting the transportation of provisions to Louisburg continue in force for two months longer, there is a probability that the governor of that place will be obliged to present the keys of the garrison to Mr. Boscawen.' And our governor is pleased to recommend it to us, to think of some proper law, that may most effectually prevent their being supplied from this province; but, as an act passed this House, and received the governor's assent, at our last sitting, entitled, 'An Act to continue an act, entitled, An Act to prevent the exportation of provisions, naval or warlike stores, from this province to Cape Breton, or to any other dominions of the French King, or places at present in possession of any of his subjects,' by which the act continued will be in force at least ten months to come, and has been, as far as we know, effectual for the purposes intended; and as the governor has not pointed out to us any defect in that act, nor has any occurred to us, we cannot at present think what law can be made more effectually to prevent that place being supplied with provisions, &c. from this province."

And now the period was come, when all capable of

conviction, were to be convinced, that, though the governor had labored hard to establish a belief, that the uncomplying disposition of the assembly was the only obstacle to the current of public business, the contrary was the matter of fact; and that, having observed obstinacy on his side never failed to produce some concession on theirs, he had come to a resolution to proceed in the same course of exaction, till nothing required of him by his instructions was left unperformed, that is to say, till the assembly had nothing left to part with.

The shadow of a royal instruction, so long and so often played before their eyes, was now out of the question. The governor says the province is actually invaded; that a victorious enemy is on the point of ravaging it with fire and sword; the King's troops, after having been so many ways gratified and assisted, are recalled; they are told they are to provide for their own defence; they offer fifty thousand pounds to be laid out for that purpose; the proprietary estate becomes liable to a demand, computed by his friends at about five hundred pounds; even that five hundred pounds is offered on the behalf of the proprietaries by a few private individuals, as an expedient to remove that only difficulty out of the way; and the governor refuses it. So that, if there was any truth in the governor's repeated assertions, the safety of the province, the interest of the public, and the honor of the British crown were to be alike exposed and endangered together with the proprietary estate, so impertinently and improvidently put into the scale against all the rest.

To say all at once, his answer to the last proposition, as verbally delivered to the House by his secretary, was in these words, viz.

"Sir,

"The governor having, by message of the 14th instant, informed you, that he did not think it consistent with his power, or trust, to pass the bill for raising fifty thousand pounds, without the amendments he had made to it, and that he adhered to those amendments; is surprised at your message of this day, to which he can only say, that he thinks it his duty to adhere still to the amendments he made to that bill."

On the same day, also, by another message he put them in mind of his former requisitions concerning a militia; and demanded a plain and categorical answer, whether they would, or would not establish one, "that his Majesty and his ministers might be informed, whether, at this time of danger, the province of Pennsylvania was to be put into a posture of defence or not."

This convinced the House, that all expedient was at an end; and that all the governor aimed at was to bewilder them if possible in another maze of controversy. To discharge themselves, therefore, of every branch of duty, as far as they were permitted to do it with any consistency to themselves, and regard to the fundamentals of their constitution, they first took into consideration the several petitions of the frontier towns, for arms, &c., and resolved, that a sum not exceeding one thousand pounds, if so much remained in the treasury at the disposition of the House by the laws in force, should be paid into the hands of a committee of the House, then named, to be by them disposed of, with the concurrence of the governor for the time being, as should appear necessary.

Proceeding then to the governor's verbal message concerning their money bill; they agreed to return an

answer to this effect, viz. "That he, having in his former answer signified, that he was not yet satisfied, &c., whatever he might be, when he heard what they had farther to say, which argued a suspension of his determination, and they having since sent him a long message containing the reasons of their procedure, they could not but be surprised at his surprise, more especially as he had not even then returned their bill; that as to his proposal for striking any sum in paper money the present exigency might require, provided funds were established for sinking the same in five years, they had no funds equal to so great a sum without the assistance of an equitable tax, to which the governor would always have his objections in favor of the proprietary estate; that, as this proposal might lead them back into those disputes, which, by the form of this bill, agreeable to the governor's advice in his speech at the opening of the session, they had studied to avoid, they should be farther surprised to receive it from him, could they find the least reason to think he was sincerely desirous of having any thing done for the defence of the province; and that, being now convinced, no farther benefit could arise from their longer sitting, and being to meet of course in a few weeks to settle the accounts of the year, they took leave to acquaint him of their purpose to adjourn to the 15th of September ensuing, in case he had no objection to that time."

Lastly, by the same members that were appointed to carry up this message to the governor, they also sent another concerning a militia, in which, having enumerated his several messages in relation to the defence and safety of the province, they wave the point by saying, "That the elections throughout the province being near at hand, they chose to refer that point

to a future assembly," and then proceed as follows; "But as we find, by the governor's result upon our bill for granting fifty thousand pounds for the King's use, he cannot think it consistent with the trust reposed in him by the proprietaries to pass that bill, we find by experience that it can answer no good purpose to waste our time in preparing bills for his assent, in which, for the common security and defence of the province, we apprehend it would be a high breach of the trust reposed in us, to exclude the proprietaries' estate from bearing any part of the burthen, and if not excluded, as the governor asserts, must at last be rejected by him for want of sufficient powers in his commission; and therefore (had we no other objections) we hope the governor will judge it reasonable, after so many repeated refusals of the bills we have offered to him for granting large sums of money for the King's use, that we now wait the determination of our superiors, what powers he has, or ought to have, as our governor, under the royal and provincial charters; and what exclusive rights our proprietaries may be justly entitled to in the laying and levying of taxes for the common security and defence of their estates, with all the other estates within this province."

In answer to the first of these messages, so far as related to the time of adjournment (with which he was verbally acquainted by the messengers), the governor was pleased to say "he had no objection to that time more than any other; but that, if he found [on perusal of the written messages then delivered to him] that the House had not given him a satisfactory answer to his messages relating to a militia, he should call them again immediately."

To the time of their own adjournment, they had, nevertheless, the grace to be indulged with a recess.

And on the third day of their sitting, they preferred a request to the governor, "That, if he had any business of importance to lay before them, particularly, if any application had been made to him for a farther supply of provisions, for the use of the King's forces then gone towards Crown Point, he would be pleased to lay it before them soon, as their year was near expired, and the time of their continuance together consequently short."

The answer they received was verbal, by his Honor's secretary, importing, "That the government of Massachusetts Bay had ordered two thousand eight hundred men to be immediately raised, in addition to the fifteen hundred raised for the reduction of Crown Point; and that the governor had the day before received a letter from Governor Phips, desiring, at the instance of the council and assembly there, an immediate supply of provisions to be sent to Albany." And, as if this was not enough to ask of them, a supplemental paragraph was grafted upon it as follows; "The governor has also been informed, that the government of Connecticut have raised fifteen hundred men, and Rhode Island one hundred and fifty, in addition to the forces sent by those governments against Crown Point, who will also stand in need of a supply of provisions; he therefore recommends these matters to your consideration."

Two articles out of Governor Shirley's state of his own conduct, will come in not improperly here; viz. "Upon Mr. Shirley's arrival at New York (July 4th), he found a full stop put to the preparations for the expedition against Crown Point, with respect to the articles of artillery and military stores, which the governments of Massachusetts Bay and New York had agreed to furnish between them, depending, that the colonies of Connecticut, New Hampshire, and Rhode

Island would pay their proportions of the expense; but, that not being done, the government of New York declined parting with the stores, without actual payment or security given. After having removed this obstacle to the expedition's proceeding, by putting into the hands of the government of New York a sufficient quantity of the Pennsylvania provisions, as a security for reimbursing them on account of the beforementioned articles, and advanced about one thousand pounds sterling of his own money towards the expense of transporting the artillery and ordnance stores, in confidence of being reimbursed by the New England colonies, he embarked for Albany."

The reader will make his own remarks; at least he will infer from what passed in the assembly of Pennsylvania before, in relation to orders said to have been received from and demands made by General Shirley, that the said assembly would now have been inexcusable, if they had not called upon their governor for Governor Phips's letter and the other information referred to upon this occasion; which they did by express message; and that, having been told by him in answer to that call, that he had orders from the secretary of state not to lay before the House any papers but such as he pleased, they should apply to him for a sight of such orders.

They did so, and were again refused; he signifying that, such orders being intended for his own government, he thought it improper to communicate them; and, in the name of the secretary of state, vouching, as he himself had done before, that messages from him were a sufficient foundation for them to proceed upon; but withal recurring to what he had also offered in his former message, namely, to communicate to their speaker, or a few of the House, such parts of

the information he had received from the eastward, as his Majesty's service required.

But this not proving satisfactory to the House, all proceedings on this head were for some days at a stand; and the interval was filled with a continuation of the animated controversy, which in the preceding session had so highly exasperated the two branches of the legislature against each other, and which never had been either revived, or caused, if the governor and his employers had not preferred their own private views to all the moral and equitable obligations of government.

CHAPTER XI.

The old Controversy renewed. A new one concerning the Roads opened at the Expense of the Province for the Convenience of the King's Forces. As a last Effort for the Public Service, the Assembly authorize by Vote a Loan or voluntary Subscription of Ten Thousand Pounds. A Brief State of the Province at this Period. The new Assembly, after a Session of four Days, suffered to adjourn themselves without proceeding to Business, for want of having the Intelligence then in the Governor's Hands in due Form imparted to them.

WHEN the assembly had sat nine days, and now remained in a sort of suspense, not choosing to inflame on one hand, and willing to hope the governor would find reasons to abate of his unreasonable stiffness on the other; came down a long message by way of answer to the assembly's paper of August 19th; and, sufficiently exasperated thereby, that body, now at the point of dissolution, resolved to acquit themselves with as much spirit as if they had been immortal.

To the Appendix the reader must be again referred for both pieces; they cannot, they ought not to be suppressed; they are too long to be here inserted entire, and to abridge them, at least that of the assembly, would be to maim one of the most lively pieces that liberty ever inspired or controversy produced.*

Such a reference, then, to the subject matter of both as will just serve to keep up a sort of historical connexion, is all the use to be made of them in this place.

The assembly had (very truly) charged the governor with contriving all possible methods of expense to exhaust their funds and distress their affairs; and had

* See above, page 383.

given in proof the exorbitant demand made upon them for cutting the road for the use of the army; an enterprise which they tell him they had undertaken at his instance, on a computation of its costing only eight hundred pounds. The governor, in his reply, said such a sum might have been mentioned as what it would cost in some men's private opinion; but not upon an estimate of the commissioners, nor what had been as such sent to him. Adding, "that, though they had numbered the making the road among their meritorious acts, they had in effect done it out of fear of having proper representations made of their conduct at home, and of an armed force being used to oblige the inhabitants to do this necessary work; that he had persuaded the general to compound for one road instead of two, to contract even that to two-thirds of the breadth, and not to carry it so far by many miles as directed by the quartermaster-general; by which great savings were made to the province, and thanks instead of complaints were due to him, and rewards to the commissioners who had served the province in so hazardous a task so well; that he had never made such a demand as five thousand pounds, nor could it have been made by any one, because the accounts were not come in; and that, now they were come in, the charge did not amount to three thousand pounds, which was not extravagant, considering the distance and expedition required in the work."

The assembly, in their answer, could not be so full in their own justification, and, consequently, in refuting the governor, as they might have been, because the necessary documents happened at that time to be mislaid. But, when those documents were recovered, they did themselves ample justice, by reprinting the most material in an appendix to their minutes.

And among them was a letter from the said commissioners to the governor, which was communicated, together with one of the governor's own, (to the committee of assembly, at that extraordinary crisis, appointed to act on behalf of the whole, and other members then called in to their assistance,) by his secretary; in which was the following express clause; "The expense of making the road thirty feet wide, and the principal pinches twenty, will make an expense of about eight hundred pounds." This letter was dated April 16th; and the committee having, in the name of the House, undertaken to defray the expense of both roads, the work went on accordingly. In another letter from the same commissioners, dated May 3d, it is said, "Both roads will leave little of fifteen hundred pounds, for it is impossible to tell what unexpected occurrences will arise," &c. The House, now sitting, resolved to persevere notwithstanding, and notwithstanding the loss of their bill, which made their compliance more difficult. Another estimate, dated fifteen days after this, signified, "that the expense of opening both roads would be little under two thousand pounds." Thus three estimates had been delivered in, each exceeding the other; and after all this, when one road had been dropped, and the other reduced in the manner alleged by the governor, the said commissioners did actually require five thousand pounds to be sent to them, in addition to what had been paid to them already, which in money and provisions was supposed to be near one thousand pounds. The committee of accounts had sat upon this requisition, had pronounced it to be extravagant, and had given it as their opinion, August 8th, 1755, "that in order to prevent imposition on the public, the said commissioners ought forthwith to attend the said committee with

their accounts fairly stated, with proper vouchers for the same." From all which premises, the House had surely reason to ask as they did, "whether they had not good reason to be surprised at this, and to suspect some extravagance in the management." But they went farther still; they cited the original letter from the governor's six commissioners to him, and by him communicated to the House, August 9th, in which the five thousand pounds is specified, together with an intimation, that, the people being much in want of money, the money could not be sent too soon. And they conclude this section with the following shrewd remark; "The governor's judgment of our motives to engage in this work of opening the roads seems to us a very uncharitable one, but we hope to find more equitable judgment elsewhere. We are obliged to him, however, for owning that we did engage in it at all. For as he is pleased to lay it down as a maxim, that we are very wicked people; he has shown in other instances, when we have done any good, that he thinks it no more injustice to us to deny the facts, than now to deny the goodness of our motives. He would, however, think himself ill used, if any part of his zeal in that affair was ascribed to his menaces directed to him; or to a view of accommodating by the new road the lands of the proprietaries' new purchase, and by that means increasing the value of their estate at our expense."

Again; the governor was pleased to express himself in these extraordinary terms; "You have often mentioned what you have done to promote the success of his Majesty's arms under General Braddock, and for the defence of the province, and say, you have letters from the late general, thanking you for your service; the truth of this I must beg leave to question,

as the late general was too honest to say one thing to you, and another to the King's ministers. He might acknowledge the services of particular men; but how you can take those to yourselves as an assembly, when you had no hand in what was done, I am at a loss to know. I think it will not be doubted, but that, had you in time opened the proper roads, raised men, and provided carriages and necessary provisions for the troops, as this was the only province able in the general's situation to furnish him with them, we might now have been in peaceable possession of Fort Duquesne."

To which astonishing, because groundless charge, the assembly, in the following full and effectual manner, replied; "We own that we have often mentioned this; but we have been forced to it by the governor's asserting as often, in his messages, contrary to known fact, that we had done nothing, and would do nothing of that kind. But it seems we take to ourselves the services of particular men, in which the governor says, we had no hand; and adds, 'that, had we in time opened the proper roads, raised men, and provided carriages and necessary provisions for the troops, we might now have been in peaceable possession of Fort Duquesne.' We beg leave to ask the governor, Has the body no share in what is done by its members? Has the House no hand in what is done by its committees? Has it no hand in what is done by virtue of its own resolves and orders? Did we not, many weeks before the troops arrived, vote five thousand pounds for purchasing fresh victuals, and other necessaries for their use? Did we not even borrow money on our own credit to purchase those provisions, when the governor had rejected our bill? Will the governor deny this, when he himself once charged it upon

us as a crime? Were not the provisions actually purchased by our committee, the full quantity required by the commissary, and carried by land to Virginia at our expense, even before they were wanted? Did the army ever want provisions, till they had abandoned or destroyed them? Are there not even now some scores of tons of it lying at Fort Cumberland and Conegochieg? Did the governor ever mention the opening of roads to us before the 18th of March, though the requisition was made to him by the quartermaster-general in January? Did we not in a few days after send him up a bill to provide for the expense, which he refused? Did not the governor proceed nevertheless to appoint commissioners, and engage laborers for opening the road, whom we afterwards agreed to pay out of the money we happened to have in our power? Did the work ever stop a moment through any default of ours? Was the road ever intended for the march of the troops to the Ohio? Was it not merely to open a communication with this province, for the more convenient supplying them with provisions when they should be arrived there? Did they wait in the least for this road? Had they not as many men as they wanted, and many from this province? Were they not more numerous than the enemy they went to oppose, even after the general had left near half his army fifty miles behind him? Were not all the carriages they demanded, being one hundred and fifty, engaged, equipped, and sent forward in a few days after the demand, and all at Will's Creek many days before the army was ready to march? With what face then of probability can the governor undertake to say, 'that had we in time opened the proper roads, raised men, and provided carriages and necessary provisions for the troops, we might now have been in peaceable possession of Fort Duquesne'?

"The governor is pleased to doubt our having such letters as we mentioned; we are therefore, in our own vindication, under a necessity of quoting to him some parts of them; and will show him the originals whenever he shall please to require it. The general's secretary, in his letter of the 10th of May to one of our members (who, in pursuance of a resolve of the House for the service of the army, waited on the general at Frederic, and there occasionally undertook the furnishing of wagons, which he performed with the assistance of some other members of the committee, and for that, and other services to the troops, received the thanks of the House at his return), says, 'You have done us great service in the execution of the business you have kindly undertaken; and indeed, without it, I do not see how the service could have been carried on, as the expectations from Maryland have come to nothing.' And again, in his letter of May the 14th, 'The general orders me to acquaint you, that he is greatly obliged to you for the great care and readiness, with which you have executed the business you undertook for him. At your request he will with pleasure discharge the servants that may have enlisted in the forces under his command, or any others for whom you may desire a discharge; and desires that you would, for that purpose, send him their names.' And again, in his letter of May the 20th, 'I have only time to thank you once more, in the name of the general and everybody concerned, for the service you have done, which has been conducted throughout with the greatest prudence and most generous spirit for the public service.' The general's own letter, dated the 29th of May, mentions and acknowledges the provisions 'given by the Pennsylvania assembly,' (though the governor will allow us to have had 'no hand' in it,)

and says, 'Your regard for his Majesty's service, and assistance to the present expedition, deserve my sincerest thanks,' &c. Colonel Dunbar writes, in his letter of May the 13th, concerning the present of refreshments, and carriage horses sent up for the subalterns, 'I am desired by all the gentlemen, whom the committee have been so good as to think of in so genteel a manner, to return them their hearty thanks.' And again, on the 21st of May, 'Your kind present is now all arrived, and shall be equally divided to-morrow between Sir Peter Halket's subalterns and mine, which I apprehend will be agreeable to the committee's intent. This I have made known to the officers of both regiments, who unanimously desire me to return their generous benefactors their most hearty thanks, to which be pleased to add mine,' &c. And Sir Peter Halket, in his of the 23d of May, says, 'The officers of my regiment are most sensible of the favors conferred on the subalterns by your assembly, who have made them so well-timed and so handsome a present. At their request and desire I return their thanks, and to the acknowledgments of the officers beg leave to add mine, which you, I hope, will do me the favor for the whole to offer to the assembly, and to assure them, that we shall on every occasion do them the justice due for so seasonable and well-judged an act of generosity.' There are more of the same kind, but these may suffice to show that we had 'some hand in what was done,' and that we did not, as the governor supposes, diviate from the truth, when, in our just and necessary vindication against his groundless, cruel, and repeated charge, 'that we had refused the proper, necessary, and timely assistance to an army sent to protect the colonies,' we alleged, 'that we had supplied that army plentifully with all they asked of us,

and more than all, and had letters from the late general, and other principal officers, acknowledging our care, and thanking us cordially for our services.' If the general ever wrote differently of us to the King's ministers, it must have been while he was under the first impressions given him by the governor to our disadvantage, and before he knew us; and we think with the governor, that if he had lived, he was too honest a man not to have retracted those mistaken accounts of us, and done us ample justice."

What is still more unlucky for the governor, his secretary, writing to the said commissioners with all the authority he could depute to him, April 25th, 1755, makes use of these very words, "What Sir John St. Clair says, is so far true, that, had the army been ready now, and retarded by delays in matters undertaken by this province, all the mischiefs thence arising would have been justly chargeable on this province; but I am mistaken, if they can, within a month from this date, get their artillery so far as your road."

In the same letter he also says, "Surely the flour will be delivered in time; or great blame may be laid with truth at the door of the commissioners." Not the province; and, indeed, the flour was actually delivered so soon and so fast, that the general had not even provided storehouses and shelter sufficient to secure it against the weather, to which great quantities of it lay exposed in Maryland after the delivery of it there.

What spirit this gentleman (the governor) was possessed with, had been a question. The assembly would not allow him to have the spirit of government; he himself maintained, that if he had had enough of the spirit of submission, (terms generally held irreconcilable,) his government would have been more agreeable

to the province. But now it can be a question no longer.

The last period of the governor's message was the very quintessence of invective. "In fine, Gentlemen," said he, "I must remind you, that in a former message you said you were a plain people, that had no joy in disputation. But let your minutes be examined for fifteen years past, not to go higher, and in them will be found more artifice, more time and money spent in frivolous controversies, more unparalleled abuses of your governors, and more undutifulness to the crown, than in all the rest of his Majesty's colonies put together. And while you continue in such a temper of mind, I have very little hopes of good, either for his Majesty's service, or for the defence and protection of this unfortunate country."

And, in the reply of the assembly, his own artillery was turned upon him as follows; "The minutes are printed, and in many hands, who may judge, on examining them, whether any abuses of governors and undutifulness to the crown are to be found in them. Controversies indeed there are too many; but, as our assemblies are yearly changing, while our proprietaries, during that term, have remained the same, and have probably given their governors the same instructions, we must leave others to guess from what root it is most likely that those controversies should continually spring. As to frivolous controversies, we never had so many of them as since our present governor's administration, and all raised by himself; and we may venture to say, that during that one year, scarce yet expired, there have been more 'unparalleled abuses' of this people, and their representatives in assembly, than in all the years put together, since the settlement of the province.

"We are now to take our leave of the governor; and indeed, since he hopes no good from us, nor we from him, it is time we should be parted. If our constituents disapprove our conduct, a few days will give them an opportunity of changing us by a new election; and, could the governor be as soon and as easily changed, Pennsylvania would, we apprehend, deserve much less the character he gives it, of an unfortunate country."

That, however, they might still continue to act on the same maxims, and continue to deserve the same confidence, they proceeded to contribute all they could to the advancement of the service; not only without the concurrence of the governor, but in spite of his endeavours to render them odious by all the means of prevention his wit, his malice, or his power could help him to. In what manner, the following unanimous resolutions will specify.

"That, when application is made to this House by the governor, for something to be done at the request of another government, the letters and papers that are to be the foundation of our proceedings on such application, ought to be, as they have been by all preceding governors, laid before the House for their consideration.

"That a sight afforded to the Speaker, or a few of the members, of papers remaining in the governor's hands, cannot be so satisfactory to the rest of the House, nor even to the Speaker and such members, as if those papers were laid before the House, where they might receive several distinct readings, and be subject to repeated inspection and discussion, till they were thoroughly understood, and all danger of mistakes and misconceptions, through defect of attention

or of memory in one or a few persons, effectually prevented.

"That great inaccuracies and want of exactness have been frequently observed by the House in the governor's manner of stating matters, laid before them in his messages; and therefore they cannot think such messages, without the papers therein referred to, are a sufficient foundation for the House to proceed upon, in an affair of moment, or that it would be prudent or safe so to do, either for themselves or their constituents.

"That, though the governor may possibly have obtained orders not to lay the secretary of state's letters, in some cases, before the House, they humbly conceive and hope, that letters from the neighbouring governments, in such cases as the present, cannot be included in those orders.

"That, when an immediate assistance to neighbouring colonies is required of us, to interrupt or prevent our deliberations, by refusing us a sight of the request, is a proceeding extremely improper and unseasonable.

"But, a member of this House producing a letter to himself from the Honorable Thomas Hutchinson, Esquire, a person of great distinction and weight in the government of Massachusetts Bay, and a member of the council of that province, mentioning the application to this government for provisions, and the necessity of an immediate supply; and it appearing by the resolution of the council of war, held at the carrying-place, on the 24th past, (an abstract of which is communicated to the Speaker, by the Honorable Thomas Pownall, Esquire, lieutenant-governor of the Jerseys,) that the army will be in want of blankets and other clothing, suitable to the approaching season; and this House being willing to afford what assistance may be in their

power, under their present unhappy circumstances of an exhausted treasury, and a total refusal by the governor of their bills for raising money, resolved,

"That a voluntary subscription of any sum or sums, not exceeding ten thousand pounds, which shall be paid by any persons into the hands of Isaac Norris, Evan Morgan, Joseph Fox, John Mifflin, Reese Meredith, and Samuel Smith, of the city of Philadelphia, gentlemen, within two weeks after this date, towards the furnishing of provisions and blankets, or other warm clothing, to the troops now at or near Crown Point, on the frontiers of New York, will be of service to the crown, and acceptable to the public, and the subscribers ought to be thankfully reimbursed (with interest) by future assemblies, to whom it is accordingly by this House earnestly recommended."

And this may be called the finishing measure of this every way public-spirited assembly. The governor did not choose to be in the way to receive their reply; and so the session and the controversy for this time ended together.

Into the hands of what number of readers, or readers of what capacities, dispositions, or principles, this treatise shall fall, is out of calculation the first, and decision the last; but whatever the number may be, or however they may happen to be principled, disposed, or endowed, the majority will by this time, probably, exclaim, "Enough of this governor!" or, "Enough of this author!"

But which ever should happen to be the case, pardon is asked for the necessity of proceeding a few stages farther; and patience ought to be required, to induce the reader to hold out to the end of so disagreeable a journey.

Though foiled, disgraced, and silenced, this Anti-

Penn, this undertaker to subvert the building Penn had raised, was far from quitting the lists.

On the contrary, he lay in wait with impatience for a verification of his own predictions concerning the danger of the frontier, and the miseries the inhabitants were to sustain when the enemy should break in upon them.

When such should actually become the case, when the fugitives should on all sides be driven, either by the enemy or their own fears, or both, towards the capital; when every week should furnish some new tragedy; and rumor so practise upon credulity, that every single fact should by the help of echoes and re-echoes be multiplied into twenty; when the panic should become general, and the very distractions of the herd, and their incapacity to operate for themselves, should render them obnoxious to any imposition whatsoever; then, he thought, and not altogether unjustly, their passions might be of service to him, though their reasons could not. And the event will show, that, provided he might attain his ends, he could be very indifferent about the means.

Factions he had found means to form, both in the city and the several counties; and tools and implements of all kinds, from the officious magistrate down to the prostitute writer, the whispering incendiary, and avowed desperado, he was surrounded with. The press he had made an outrageous use of; a cry he had raised; and in miniature the whole game of faction was here played by him with as little reserve, though not with as much success, as it is in greater affairs elsewhere.

The current of elections, however, still continued to set against him; those who had the most interest at stake remained firm to the interest of their country;

and now nothing remained but, by the dint of artifice and clamor, to compel those to be subservient to his indirect purposes, if possible, whom he could not deprive of their country's confidence and favor.

This was the true state of Pennsylvania, when the new assembly, composed chiefly of the old members, took their seats.

On the 14th of October the House met of course, according to their constitution; but did not proceed to material, or, at least, extraordinary business. The governor was not as yet sure of his crisis; and, therefore, chose to feel their pulse first in manner following. His secretary, being in conversation with the Speaker of the assembly (the same who had served in that office for many years past), took occasion to communicate two letters to him concerning Indian affairs; and, the Speaker asking, whether they were not to be laid before the House, the secretary replied, he had no such orders. The letters were of course returned; and the Speaker made the House acquainted with this incident; adding "that he thought the said letters contained matters of great importance to the welfare of the province; but, as he could not presume to charge his memory with the particulars, so as to lay them before the House for the foundation of their conduct, he could only mention the fact, and recommend it to the consideration of the House." The House hereupon deputed two members to inform the governor, "that, having gone through the usual business done at the first sitting of an assembly, they were inclined to adjourn, unless he had any thing to lay before them, particularly in regard to Indian affairs, that might require their longer stay." And the same members were farther directed to acquaint him with the time of their adjournment, in case the governor should in reply say,

he had nothing to communicate. This concert upon one side, produced concert on the other. The governor replied, as had been foreseen, "that, if he had had any business to lay before the House, he should have done it before that time." And being then made acquainted with the proposed time of adjournment, which was till the 1st of December, he said, *It was very well.*

The House, therefore, having first resolved to continue the supplies granted by the former assembly to the Indians on their frontier, adjourned accordingly, having sat but four days.

CHAPTER XII.

The Assembly being reconvoked, the Governor informs them, that a Party of French and Indians had passed the Mountains, and demands a Supply. Petitions from various Quarters presented to the Assembly. Depredations of the Indians. Sixty Thousand Pounds granted, to be struck in Bills of Credit, which the Governor refuses. A new Message, reporting, that the Susquehanna Indians had offered their Service to the Province. Two Messages from the Assembly to the Governor; the first concerning Peace with the Indians, and a Money Bill; the other concerning the Susquehanna Indians Bill for regulating the Indian Trade.

FIFTEEN days of this adjournment were also suffered to elapse, as if all danger and apprehension were at an end. But then the governor, being armed at all points, summoned them to meet him, with all the circumstances of alarm and terror his imagination could furnish.

Intelligence (probably the same intelligence contained in the two letters communicated by his secretary to the Speaker) that a party of French and Indians, to the number of fifteen hundred, as he was informed, had passed the Allegheny Hills, and having penetrated as far as the Kittochtiny Hills, within about eighty miles of Philadelphia, were encamped on the Susquehanna, was the business he had to impart to them; and, from his manner of imparting it, he seemed more delighted than shocked with the recital. "This invasion," said he, "was what we had the greatest reason to believe would be the consequence of General Braddock's defeat, and the retreat of the regular troops. [Why did they retreat then from the actual seat of war? Was the wild country on the Ohio better worth defending than Pennsylvania? Was any projected acquisition of more importance to the public than the

preservation of such a country? Did not this very governor talk of the plenty of the province and its defenceless state, from time to time, almost in the style of invitation, as if he meant to bespeak the very event he was now expatiating upon? And is not he more to be upbraided for suffering those troops to be recalled, if he did no more, without making the strongest remonstrances against it, than the assembly who besought their protection. And if it should appear from his whole conduct, that he desired nothing more ardently than that such an event should happen; and that his principal endeavour was, to improve it when it did happen to proprietary purposes, at the expense of the fortunes, liberties, and lives of the inhabitants, with what abhorrence must we reflect on the pains taken in this speech, to aggravate the calamitous state of the province, and to place it to the account of those, who had in a most signal manner deserved the thanks, not only of the Pennsylvanians, but also of all the friends and lovers of liberty and virtue distributed through the British empire?]

"Had my hands been sufficiently strengthened," (so he proceeded) "I should have put this province into such a posture of defence, as might have prevented the mischiefs that have since happened." A dose of venom apparently prepared and administered to poison the province; if the governor might have been their saviour, and was not, for want of proper powers, the assembly, accused as having withheld them, were to be considered as public enemies. To be treated as such could not but follow. The populace are never so ripe for mischief as in times of most danger. A provincial dictator he wanted to be constituted; he thought this would be the surest way of carrying his point; and, if the Pennsylvanians had taken so frantic

a turn, they would not have been the first, who like the flock in the fable, had, in a fit of despair, taken a wolf for their shepherd.

But to return. "That the Delaware and Shawanese Indians had been gained over by the French, under the ensnaring pretence of restoring them to their country," constituted his next inflammatory. And then, in order to magnify his own merits, he farther suggested, "that he had sent the same intelligence, both to the King's ministers, together with a representation of the defenceless state of the province, and to the neighbouring governments, that the latter might be at once prepared to defend themselves and succour them; that, the back inhabitants having upon this occasion behaved themselves with uncommon spirit and activity, he had given commissions to such as were willing to take them, and encouragement to all to defend themselves, till the government was enabled to protect them; but that they had complained much of want of order and discipline, as well as of arms and ammunition; and he was without power, money, or means to form them into such regular bodies, as the exigency required, &c. That the designs of the enemy could only be conjectured from their motions and numbers; and that from those and the known circumstances of the province, it was reasonable to apprehend, they had something more in view, than barely cutting off and destroying some of the frontier settlements." And for a conclusion he summed up his lords the proprietaries' will and pleasure, as follows;

"His Majesty and the proprietaries having committed the people of this province to my charge and care, I have done, and still shall very readily do, every thing in my power to fulfil that important trust; and to that end, I think it my duty to call upon you to grant

such supplies of money as his Majesty's service, at this important and dangerous crisis, may require, and to prepare a bill for establishing a regular militia, exempting such as are conscientiously scrupulous of bearing arms, it being impossible, without such a law, though large sums of money should be raised, to prevent confusion and disorder, or conduct matters with any degree of regularity.

"As the enemy are now laying waste the country, and slaughtering the inhabitants, there is no time to be lost. I therefore think it necessary upon this occasion to inform you, that I am ready and willing to consent to a law for emitting any sum in paper money the present service may require, if funds are established for sinking the same in five years; but I cannot think it consistent either with the powers of my commission, or the duty I owe the crown, to pass any bills of the same or a like tenor of those I have heretofore refused. And I hope you will not waste your time in offering me any such bills, as you must know, from what has passed between me and the late assembly, and the information I now give you, it is not in my power to consent to; and I earnestly recommend it to you, to afford in time that assistance which your bleeding country stands so much in need of."

So that in case they would not wave their privileges in the manner prescribed, and protect the proprietary estate gratis, their country might bleed to death if it would; for they were not to be permitted to make use of their own money their own way, to save it.

One act of Parliament* there is, and one only, which not only admits, that governors and deputy-

* 11 and 12 of William III. Cap. 12.

governors may abuse their power and oppress the subject, but also affects to provide for the punishment of such oppressors. But then the word *oppression* is left so vague and indefinite, that no subject ever did, or can, derive any benefit from it. Of all the several species of oppression, that, now practised by this man upon a whole province, was surely the most grievous; and, as it required no common share of firmness to withstand it, so it required an equal degree of prudence to temper that firmness, in such a manner as might obviate all the misconstructions and misrepresentations the withstanders had good reason to be sure would be put upon it.

Petitions from various quarters, and many of them of such an opposite tendency that they were irreconcilable with each other, poured in upon them; some of the petitioners declaring themselves highly sensible of the zeal and diligence the assembly had shown for the interest and welfare of their constituents, in contending for what ought in justice to be granted; others pretending to pray, that the House would not keep up unnecessary disputes with the governor, nor by reason of their religious scruples longer neglect the defence of the province; both requiring to have arms put into their hands; and others expressing their fervent desires, that measures might be pursued consistent with their peaceable principles, and that they would continue humbly to confide in the protection of that Almighty Power, which had hitherto been as walls and bulwarks round about them.

The assembly received all with composure; and resolved to give all the satisfaction they could to all. To the points enforced by the governor they attended first; and, to take off the panic which prevailed in the province, undertook to rectify the intelligence he had

given, which could not but contribute greatly to the increase of it. In their reply to that part of his speech, for instance, they told him, "they could not find by the letters and papers, he had been pleased to lay before them, that any such number of French and Indians were encamped on any part of the river Susquehanna." What they admitted was, "that the back settlers were greatly alarmed and terrified; that cruelties had been committed on the inhabitants by the Delaware and Shawanese Indians, principally within the lands purchased by the proprietaries at Albany but the year before; that, perhaps, there might be a few of the French Mohawks among them; but this was not very clear; and that these were to be followed, as several of the accounts said, by a large number of Indians and French from Fort Duquesne, with a design of dividing themselves into parties, in order to fall on the back settlements of Pennsylvania and Virginia; and that the Indians still inclined to preserve their alliance with the province seemed, on the other hand, as much terrified, lest, provoked with these hostilities, the English generally should revenge upon them the barbarities so committed by the invaders; that, therefore, great care and judgment was, in their opinion, requisite in conducting their Indian affairs at that critical conjuncture; that, as the Six Nations were in alliance with the crown of Great Britain, and numbers of them then acting with great fidelity and bravery under General Johnson, it seemed absolutely necessary on their part to make it their request to the governor to be informed, whether he knew of any disgust or injury the Delawares or Shawanese had ever received from Pennsylvania, and by what means their affections could be so alienated, as not only to take up the hatchet against the said province, in breach of their dependence on the Six Nations, by whom they had

been so long since subdued, but also of the friendly interviews and treaties, which they (the Pennsylvanians) had so repeatedly and very lately held both with them and the Six United Nations, both before and after the defection of part of the Shawanese, for whom they had particularly interposed their good offices in procuring the liberty and sending home a number of their people, as it was apprehended, much to their satisfaction; as also, whether he had any knowledge of the inclination of the said Six Nations, or what part they had taken in relation to this cruel incursion, of the Delawares and Shawanese. They farther desired him to lay before them the Indian treaty held at Philadelphia in the September preceding; and declared themselves disposed and resolved to do every thing in their power, if it should appear they had sustained any injury at their hand, to regain their affections, rather than, by any neglect or refusal of that justice which was due both to them and all their Indian allies, entail upon themselves and their posterity the calamities of a cruel Indian war, of which they apprehended there would otherwise be but too much danger."

And, the governor, the same afternoon, sending down another message, importing, "that the enemy had fallen upon the settlements at a place called the Great Cove, and slaughtered or made prisoners such of the inhabitants as could not make their escape; that those adjoining were quitting their habitations and retreating inwards; and that he must therefore most earnestly press them to strengthen his hands, and enable him speedily to draw forth the forces of the province, as any delay might be attended with the most fatal consequences;" they took the same into immediate consideration, and granted sixty thousand pounds to the King's use to be struck in bills of credit, and sunk by a tax of sixpence

per pound and ten shillings per head, yearly, for four years, laid on all the estates, real and personal, and taxables within the province; and on the fourth day afterwards sent it up to the governor for his assent, who most unwarrantably and cruelly took advantage of the terrors which had seized upon the province, and which he himself had helped to accumulate, to reject it immediately; urging, "that it was of the same kind with one he had formerly refused his assent to; and that it was not consistent either with his duty or his safety to exceed, in matters of government, the powers of his commission, much less to do what his commission expressly prohibited." So that his own safety, with regard to his bond and his commission, was put into the scale against the safety of the province; and his duty to the proprietaries against his duty to the King and the public; which shows, in one word, that the whole bias of such government is eccentrical and unnatural.

His first duty was to concur with the assembly in whatever was necessary for the good and happy government of the province. The necessity of the grant in question, even for the preservation of the province, had been the burden of every one of his speeches and messages. So pressing was the extremity, so imminent the danger, so terrifying the confusion, that the least delay on the side of the assembly had been represented as productive of the most fatal consequences; and yet the smallest proprietary consideration could induce the governor to act as if he did not believe one word he had said, or had the least concern about any other consideration whatsoever.

Whether the proprietaries ought to be taxed, or not, he would no longer dispute. "It was sufficient for him," he said, "that they had given him no power in that case. He reproached them with having sat six

days, and, instead of strengthening his hands in that interval, with having sent him a message for regaining the affections of the Indians, then employed in laying waste the country and butchering the inhabitants." But then he chose to forget entirely their application to him, at their first sitting, for such intelligence as they might then have proceeded to business upon, and his express declaration, when they proposed an adjournment to him, "that he had no business to impart to them." He, nevertheless, added, "that, upon the repeated accounts he had received of the miserable situation of the back counties, his council had unanimously advised him to repair thither himself, to put things in the best order possible; and that he had hitherto declined it, that he might first know, what they had to propose on this occasion; but that, having now received a bill from them which they well knew he could not give his consent to, he despaired of their doing any thing, so should immediately set off for the back counties; that, if the people there had not all the assistance their present distresses made necessary, it would not be for want of inclination in him, but of power; that he should take a quorum of the council with him; and that, in case they should have any bills to propose that were consistent with the duties of his station, and the just rights of government, he should readily give his consent to them whenever they were brought to him."

This menace of immediately setting off for the back counties was also another piece of practice on the fears of the assembly; but, whatever effect it had without doors, it does not appear to have had much within; on the contrary, the assembly deputed two of their members, to know his determinate resolution, "whether he would or would not pass the bill," and, in the latter

case, "to desire him to return it to the House." This message was verbal; and he evaded a present reply by saying, that, if the House would send him a message in writing on that head, he would return them an answer; adding, "that he should not return the said bill."

A written message was hereupon taken into consideration; but, before it could be perfected, another from the governor was brought down by the secretary, importing, "that the Indians living upon the Susquehanna, amounting in all to about three hundred fighting men, had applied to him to put the hatchet into their hands, in conjunction with the provincial forces, and to be furnished with arms, ammunition, provisions, and strong houses for the protection of their old men, women, and children; that they had desired an explicit answer without farther delay, that they might either prepare to act with the province, or provide for their own security; that they had assured him this would be the last application they should make; and that, in case it did not succeed, they should leave them as an infatuated people to the mercy of their enemies; that he could not but look upon this as one of the most important matters, that ever came under their consideration; as it could not be supposed these Indians would expose themselves to the fury of an enemy, so superior to themselves, unless they were vigorously supported; and, as a refusal would unavoidably throw them into the arms of the French, that, how fatal this must prove to the inhabitants of Pennsylvania and all the English colonies, they could not be ignorant; that he was ready and desirous to do any thing consistent with his duty to the crown, for the protection and assistance, as well of those their allies, as of the said inhabitants; and that upon this important affair, and at the pressing instances

of these Indians, he had put off his journey to the back settlements, although he conceived his presence among them at that time to be extremely necessary."

Thus the defeat of one expedient made way for the trial of another; and what the governor's set-off could not effect, was to be reattempted by this put-off.

The assembly, however, were equally proof against both; and, having adjusted a separate answer to each, sent them up the next day, November 11th, by the same messengers.

In the first they signified, "that they had come together with the sincerest disposition to avoid, if possible, all disputes whatsoever with the governor; that they were deeply affected with the distresses of the frontier country, and determined to do every thing that could be expected of them for the public safety; that they had immediately voted a large sum for the King's service, and provided a fund for sinking the whole within five years, as recommended by the governor; that, as the colony had been founded on maxims of peace, as they had so long maintained an uninterrupted friendship with the natives, and as the French had already gained the Delawares and Shawanese* to their interest, they thought it was but natural for them to inquire, what cause of complaint had been administered to them, and to express their readiness to do them justice, before hostilities were returned and the breach grown wider; that for their better information, and without intending the least offence to the governor, they had applied for the last treaty; that their message to this effect was

* See a pamphlet, written in Pennsylvania and published in London, intitled, "An Inquiry into the Causes of the Alienation of the Delaware and Shawanese Indians from the British interest," &c., wherein will be found what reason the assembly had to suspect those Indians might have been injuriously treated by the proprietaries and their agents.

sent upon the second day after their entering upon business; and that the governor had not till then vouchsafed them an answer." Coming then to the bill, "They suggested an apprehension, that the governor's immediate refusal of it, because it was of the same kind with one he had before refused, arose from his not having allowed himself time to consider of it;" adding, "that indeed all bills for raising money were so far of the same kind, but this differed greatly from every former bill which had been offered him; that all the amendments (of any consequence) which he had proposed to the last bill he had refused, save that for totally exempting the proprietary estate, had been admitted in this; that, being as desirous as the governor to avoid any dispute on that head, they had even so framed the bill as to submit it entirely to his Majesty's royal determination, whether that estate had or had not a right to such exemption; that so much time was allowed by the bill, that the King's pleasure might possibly be known even before the first assessment; that it was farther provided, that if, at any time during the continuance of the act, the crown should declare the said estate exempt as aforesaid, in such case the tax though assessed, should not be levied, or if levied should be refunded and replaced by an additional tax on the province; that they could not conceive any thing more fair and reasonable than this, or that the governor would or could start any objection to it, since the words * in

* "Provided always, That nothing herein contained, shall extend, or be construed to extend, to give you any power or authority to do, perform, act, suffer, acquiesce in, or consent or agree unto, any act, matter, or thing whatsoever, by means or reason whereof, we, or either of us, or the heirs of us, or either of us, may be hurt, prejudiced, impeached, or incumbered, in our or their, or either of our or their royalties, jurisdictions, properties, estate, right, title, or interest, of, in, or to, the said province or counties, or any part of them."

his commission, which he was pleased to suppose contained an express prohibition of his passing such a bill, did not appear to them to have any such meaning; that, if it was one of the just rights of government, that the proprietary estate should not be taxed for the common defence of all estates in the province, those just rights were well understood in England, the proprietaries were on the spot to plead their own cause, or, if as remote as they (the assembly) were, might safely confide in his Majesty's known wisdom and justice; that the equity of their being taxed had appeared so plain, even to their best friends there, that they had entered into a voluntary subscription to pay their supposed quota for them, in full assurance, that, if they had been present, they would have done the same themselves, and would repay what should be so advanced for them; that, if the proprietaries had any of this zeal for the service about them, this bill, if passed, would give them a happy opportunity of manifesting it, by becoming solicitors to the King for his approbation, and refusing to petition for an exemption; and that since the right of exemption, contended for on their behalf, could never be settled between the governor and assembly, the bill transferred the cause thither where only it could be decided."

The residue of this piece contains so full, so noble, and so affecting a recapitulation of the whole dispute, and sets the selfish conduct of the proprietaries and their deputy in so clear a light, that leave must be taken to insert it *verbatim.*

"Our assemblies have of late had so many supply bills, and of such different kinds, rejected on various pretences; some for not complying with obsolete occasional instructions, (though other acts exactly of the same tenor had been past since those instructions, and

received the royal assent;) some for being inconsistent with the supposed spirit of an act of Parliament, when the act itself did not any way affect us, being made expressly for other colonies; some for being, as the governor was pleased to say, 'of an extraordinary nature,' without informing us wherein that extraordinary nature consisted; and others for disagreeing with new-discovered meanings and forced constructions of a clause in the proprietary commission; that we are now really at a loss to divine what bill can possibly pass. The proprietary instructions are secrets to us; and we may spend much time, and much of the public money, in preparing and framing bills for supply, which, after all, must, from those instructions, prove abortive. If we are thus to be driven from bill to bill without one solid reason afforded us, and can raise no money for the King's service, and relief or security of our country, till we fortunately hit on the only bill the governor is allowed to pass, or till we consent to make such as the governor or proprietaries direct us to make, we see little use of assemblies in this particular, and think we might as well leave it to the governor or proprietaries to make for us what supply laws they please, and save ourselves and the country the expense and trouble. All debates and all reasonings are vain, where proprietary instructions, just or unjust, right or wrong, must inviolably be observed. We have only to find out, if we can, what they are, and then submit and obey. But surely the proprietaries' conduct, whether as fathers of their country or subjects to their king, must appear extraordinary, when it is considered, that they have, not only formally refused to bear any part of our yearly heavy expenses in cultivating and maintaining friendship with the Indians, though they reap such immense advantages by that friendship, but that they now, by

their lieutenant, refuse to contribute any part towards resisting an invasion of the King's colony committed to their care, or to submit their claim of exemption to the decision of their sovereign.

"In fine, we have the most sensible concern for the poor distressed inhabitants of the frontiers. We have taken every step in our power, consistent with the just rights of the freemen of Pennsylvania, for their relief; and we have reason to believe, that in the midst of their distresses they themselves do not wish us to go farther. *Those who would give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety.* Such as were inclined to defend themselves, but, unable to purchase arms and ammunition, have, as we are informed, been supplied with both, as far as arms could be procured, out of moneys given by the last assembly for the King's use; and the large supply of money offered by this bill might enable the governor to do every thing else that should be judged necessary for their further security, if he shall think fit to accept it. Whether he could, as he supposes, 'if his hands had been properly strengthened, have put the province into such a posture of defence, as might have prevented the present mischiefs,' seems to us uncertain; since late experience in our neighbouring colony of Virginia (which had every advantage for that purpose that could be desired) shows clearly, that it is next to impossible to guard effectually an extended frontier, settled by scattered single families at two or three miles' distance, so as to secure them from the insidious attacks of small parties of skulking murderers; but thus much is certain, that, by refusing our bills from time to time, by which great sums were seasonably offered, he has rejected all the strength that money could afford him; and, if his hands are still weak or

unable, he ought only to blame himself, or those who have tied them.

"If the governor proceeds on his journey, and takes a quorum of his council with him, we hope, since he retains our bill, that it will be seriously and duly considered by them; and that the same regard for the public welfare which induced them unanimously to advise his intended journey, will induce them as unanimously to advise his assent. We agree therefore to his keeping the bill, earnestly requesting he would reconsider it attentively; and shall be ready at any time to meet him for the purpose of enacting it into a law."

There is not in any volume, the sacred writings excepted, a passage to be found better worth the veneration of freemen than this, "Those who would give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety;" nor could a lesson of more utility have been laid at that crisis before the Pennsylvanians.

And as to the other message of the assembly, which was sent up together with this, it was so solid and concise that it will not bear an abridgment.

"May it please the Governor,

"We have considered the governor's message of yesterday, relating to the application and pressing instances of the Indians, and are glad to find, that he is at length prevailed on to declare himself 'ready and desirous to do any thing, consistent with his duty to the crown, for the protection and assistance, as well of our allies as of the inhabitants of this province in general.' We never have, and we hope never shall, desire him to do any thing inconsistent with that duty. He has it now in his power to do what he may think the exigence requires, for the service of the crown, the

protection of our allies, and of the inhabitants of the province. As captain-general, he has, by the royal charter, full authority to raise men; and the bill now in his hands, granting sixty thousand pounds, will enable him to pay the expenses. We grant the money cheerfully, though the tax to sink it will be a heavy one; and we hope the bill will receive his assent immediately."

With both, a bill was sent up for supplying the western and northern Indians, friends and allies of Great Britain, with goods at more easy rates, supporting an agent or agents among them, and preventing abuses in the Indian trade, to which the governor's assent was desired.

The governor's answer was, "that he would take the same into consideration, and give it all the despatch in his power." But whatever he was pleased to say, both his head and his heart were at this time taken up with other purposes; how just in themselves, how agreeable to his commission, and how salutary to the province, the sequel will most properly explain.

CHAPTER XIII.

A Demand on the Assembly to constitute a Militia. A Petition of Quakers for peaceable Measures. Message from the Governor concerning another Indian Massacre. A Militia Bill. A Discussion of Indian Affairs. A Remonstrance from the Mayor of Philadelphia. The Assembly's Reply to the Governor's Invective. Parley between the Speaker and twenty-nine Petitioners. Unanimous Resolutions concerning the Right of granting Supplies to the Crown.

In the course of this long and manifold controversy, the proceedings of Parliament had been frequently referred to; and the rights of the House of Commons as frequently urged, by way of sanction for the claims of the assembly. And now the proprietary party, or governor's men, (for wherever there is influence, there such creatures will always be found,) being desirous also in their turn to avail themselves of their reading, had recourse, it may be presumed, to the famous Kentish petition in the year 1701, as a proper precedent for them to proceed upon, in hectoring the assembly into such measures as they could not be prevailed upon to adopt by any other means.

Willing, however, to give their copy the air of an original, they chose to represent to their representatives, rather than to petition; and whereas the Kentish petition humbly implored, these came with a positive and immediate demand.

The mayor of Philadelphia took the lead in this turbulent transaction, and found one hundred and thirty-three inconsiderates to follow him, under the name of several of the principal inhabitants of that city.

To the assembly it was presented, the very day after the two messages, just recited, were left with the governor. "At a time when a bold and barbarous enemy

has advanced within about one hundred miles of this metropolis, [the governor had said eighty,] carrying murder and desolation along with them," (thus pompously it began,) "we should think ourselves greatly wanting, &c., if we did not thus publicly join our names to the number of those who are requesting you to pass a law in order to put the province into a posture of defence," &c.

A militia by law is the measure they afterwards contend for; and to show how men differ from themselves according to circumstances and situations, the government doctrine here was, "that the proper and natural force of every country was its militia, without which no government could ever subsist itself; that no sums of money, however great, could answer the purposes of defence without such a law," &c.

And it was in these very words, they had the temerity to enforce their point.

"We hope we shall always be enabled to preserve that respect to you, which we would willingly pay to those who are the faithful representatives of the freemen of this province. But, on the present occasion, you will forgive us, Gentlemen, if we assume characters something higher than that of humble suitors, praying for the defence of our lives and properties, as a matter of grace and favor on your side; you will permit us to make a positive and immediate demand of it, as a matter of perfect and unalienable right on our own parts, both by the laws of God and man."

As also again afterwards.

"Upon the whole, Gentlemen, we must be permitted to repeat our demand, that you will immediately frame and offer a law for the defence of the province, in such a manner as the present exigency requires. The time does not permit many hands to be put to this repre-

sentation; but, if numbers are necessary, we trust we shall neither want a sufficient number of hands nor hearts to support and second us, till we finally obtain such a reasonable demand."

To a committee it was referred, together with the address from certain of the people called Quakers, (recommending peaceable measures, and insinuating, that otherwise many as well as themselves would be under a necessity to suffer rather than to pay,) and that concerning unnecessary disputes with the governor, as containing sundry matters of an extraordinary nature, for consideration; and, in the mean time, the House plied the governor with message after message, concerning the bill for regulating their Indian trade, and that for the supply. Both parties apparently wanted to gain time. It was equally dangerous for the assembly to provoke or parley with a multitude; and nothing but new matter from the frontier could give the governor any new advantage over them.

His answer to the assembly on the 14th of November was, "that he had given the bill relating to the Indian trade to his clerk to transcribe;" and that, as to the other, "he was then reconsidering it, according to the request of the House; and when he came to any resolution upon it, the House might expect his final answer; but he did not know when that would be."

At last, on the 17th, that is to say, after having been again quickened by another message, he sent down the latter, with a paper of amendments and a written message, different both in matter and manner from, but altogether as illusory as the former. For, having maintained, as before, that he was not authorized by his commission to pass such a bill, and yet agreed with the assembly, that their dispute must, in the end, be

determined by his Majesty, he changed his objection from the thing to the mode, which he argued was unprecedented, and, in effect, impracticable; "For," he said, "the King could not properly give his assent to some parts of an act and reject others;" and he then suggested another expedient, namely, for the House to adopt his own amendments sent down with the bill, by which the proprietary estate was entirely exempted; and to prepare and pass another bill, whereby the said estate was to be taxed in the same proportion with every other estate, only not by assessors chosen by the people, but by commissioners reciprocally chosen by himself and the assembly, and also named in the bill; together with a suspending clause, that the same should not take effect till it had received his Majesty's approbation. All was closed with a sort of protestation, "that nothing but an implicit confidence in his Majesty's goodness and justice, that he would disapprove it if it was wrong, and his own most sincere and ardent desire of doing every thing in his power for the good and security of the people committed to his care, could have induced him to pass a law in any shape for taxing the said estate;" and a predecision, "that, if they were equally sincere and equally affected with the distresses and miseries of their bleeding country, they could have no objection to this method of affording immediate succour and relief."

What the doctrine was, established in the province, concerning suspending clauses, is already before the reader, and consequently the inference, in case the assembly had been weak enough to swallow the bait thus hung out for them. But they were neither to be so amused by him, nor so terrified by his allies without doors, as either to forego the use of their understandings, or to act with their eyes open as if they had no eyes at all.

Having, therefore, sufficiently canvassed the matter, they first resolved, that they would adhere to their bill without admitting any of the governor's proposed amendments; and then, to make him sensible that they also had some artillery to ply, as well as he, they farther resolved, "That, in case the governor should persist in refusing his assent to their bill, which was so just and equitable in its nature, and so absolutely necessary at that time for the welfare of the British interest in America, after he should receive the answer of the House to his message then under consideration, they would make their appeal to the throne by remonstrance, humbly beseeching his Majesty to cause their present governor to be removed, or take such other measures as might prevent the fatal consequences likely to ensue from his conduct."

This vote was unanimous; and they farther took notice in their minutes of some dissatisfaction expressed at an Indian treaty held in the year 1753, by one of the chiefs of the Shawanese, and some promise made to him on the behalf of the proprietaries, which had not been complied with.

The governor, on the other hand, sent down the secretary with intelligence of another massacre committed by the Indians at a place called Tulpehocken; and in a written message farther observed on the supply bill he had returned, "that no money could be issued in virtue of it till the next January, before which the greatest part of the province might be laid waste, and the people destroyed or driven from their habitations; thence proceeded to demand an immediate supply of money; and concluded with a signification, that, should they enable him to raise money on the present occasion, a law founded on the act of Parliament for punishing mutiny and desertion would be

absolutely necessary for the government of them, when not joined with his Majesty's regular troops.

This was no sooner read than the House adjusted their answer to his former message, in which "They maintained the propriety of their bill in point of mode as well as matter; that conditional or alternative clauses were far from being unprecedented; that the act was so constructed as to be complete either way; that, on the contrary, in pursuing the other method recommended, of passing two bills diametrically contradictory to each other, in the same breath, they might be justly charged with doing what would be, not only unprecedented and absurd, but what would infallibly secure the end aimed at by the governor, to wit, exempting the proprietaries from taxation; that, as to the expedient of assessing the proprietary estate by commissioners instead of assessors, they did not see the necessity of it; that the Lords of Parliament had, in the year 1692, proposed a like amendment to a money bill, but, finding it could not be carried, had dropped it then and never revived it since; that it was one of the most valuable rights of British subjects to have their money bills accepted without amendments, a right not to be given up without destroying the constitution, and incurring greater and more lasting mischiefs than the grant of money could prevent; that of the twenty amendments offered by the governor to the fifty thousand pounds bill of the last assembly, the present assembly had admitted every one of them that was of any consequence into the present bill, merely for the sake of avoiding all dispute, except that of exempting the proprietary estate; and even that had been so modified as they imagined no objection could remain; that they found, however, in this instance, how endless it was to admit such changes, seeing the governor now wanted

to amend his own amendments, add to his own additions, and alter his own alterations; so that, though they should now accede to these, they could not be sure of being ever the nearer to a conclusion; that, as the passing the proposed separate bill was equally inconsistent with the governor's construction of the prohibitory clause in his commission, which he seemed now to have got over, so they hoped he would not, for the sake of a mere opinion, concerning mode and propriety, any longer refuse a bill of so great importance to his Majesty's service, and even the proprietary estate, going daily to ruin, as well as the relief of the province; and that the same implicit confidence in his Majesty's goodness, which induced him to pass such a bill in any shape, might also encourage him to believe, that any little impropriety, if any there was, would be graciously passed over; that, if there could be any doubts, which was most affected with the miseries of the province, they, who were most of them natives of it, and who had all of them their estates there, or he, a stranger among them, a consideration of the many bills they had offered in vain for its relief, and their earnest endeavours to give such great sums to that end, would solve them all; and that, upon the whole, the House adhered to their bill without amendments; because it was a money bill; because the whole sum was granted to the crown, and to be paid out of the pockets of the subject; and because it was, in their judgments, a reasonable one. Lastly, they made it their request, that since, at such a time as that, disputes and contentions between different parts of the government could not but be extremely prejudicial both to the King's service and the welfare of the country, they might thenceforth be laid aside; and that the governor, by passing this just and equitable bill, would lay the foundation of such

an agreement as might conduce to the general benefit of all concerned, and prevent the necessity they should otherwise be under, of making an immediate application and complaint against him to their sovereign."

They accompanied this message with certain extracts from the journals of Parliament, concerning the claims of the Lords and the perseverance of the Commons in rejecting them. They also, in a separate message, applied for information concerning the Shawanese affair before mentioned; and in a farther message they apprized him, "that their treasury was quite exhausted by the heavy expenses lately incurred, and that they knew of no way of raising money so expeditiously as that proposed by the bill then before the governor." After which they subjoined the following expressions; "It is true, the money intended to be struck may not be current before the 31st of December; but, as that is not more than six weeks, there is no doubt but that labor, service, and any thing else that money can purchase among us, may be had on credit for so short a time, if the bill passes; and, in consideration of the necessity of affording timely assistance to the distressed inhabitants in the back counties, we sincerely hope, and once more earnestly entreat, that the governor will no longer refuse or delay his assent to it."

At this time the House had a militia bill under their consideration, framed in compliance with the request of sundry petitions they had received, setting forth, "that the petitioners were very willing to defend themselves and country, and desirous of being formed into regular bodies for that purpose, under proper officers, with legal authority;" the bill, therefore, was, as the title expressed, "for the better ordering and regulating such as are willing and desirous of being united for military purposes." It gave these the powers they desired,

without compelling others who might be conscientiously against bearing arms. In which respect it conformed with the governor's particular recommendation often repeated.

This bill was sent up to him on the 21st; and, at the same time, the House called upon him for his result on the bills already before him.

Nothing is more true, than, that the more clearly and unanswerably you convince a man that he is in the wrong, the more you exasperate him against you; and never was any truth more strongly illustrated than this appears to have been in the person of this high and mighty governor. He could not forgive the assembly, because they had put him out of conceit with himself; and, the poorer he found himself in arguments, the more strongly his passions excited him to make use of invectives. Invective became his only resource then; and the little power he had over himself yet farther showed how unfit he was to be a governor.

Having pronounced his proposal to the assembly to be a reasonable one, and declared himself no less astonished than grieved, that they should reject it; and more especially as their best argument for so doing was founded on a new and lofty claim of privilege; he endeavours both to prove the novelty and account for the assumption of it, by saying, "It had never been heard of till towards the close of Mr. Hamilton's administration, and that the assembly, being then pressed on the subject of defence, first introduced and have since continued their claim; either wholly to avoid giving money for warlike purposes, or to arrogate unwarrantable powers to themselves." To certain extracts from the minutes of the council, sent together with this message to them, he then referred for his proofs, that the governor's right to amend money bills was never till then

questioned; and, after upbraiding them, in his way, for risking the rejection of so important an act, on account of the proprietary exemption, resolved all their reason for adhering to, what he called, the indirect and perplexed method of their bill, into their sovereign pleasure to have it so. The same paragraph contained also some strange insinuations, "that, not daring to trust their cause on its own bottom, they had chosen to blend both bills together, that they might have a better chance of having their chief governor and his estate subjected to their mercy." And what with his implicit confidence, that the crown, in the common method, would neither pass that or any other law, for the sake of the greatest sums, if the proprietary claim to an exemption was just in itself; and what with his foresight of manifest inconveniences that might ensue from a total rejection thereof (which he himself had nevertheless persevered in doing), the next paragraph is hardly to be deciphered at all; except that, in the close of it, he attempts to justify his own uncommon method, by saying, "he had separated the two parts of the bill, that the province might be served either way; [which the assembly had been altogether as provident of before.] Any absurdity in this method he professed himself unable to discover; and the good-natured construction put upon it by them, of his intending to secure an infallible exemption to the proprietary estate thereby, he said he should leave among the rest of the groundless charges against him." Condescend he did, however, to offer one amendment more, which, according to him, was to reconcile all; namely, by the addition of the following words to the exemption clause proposed to be added to the first bill, to wit; "The estates of the honorable Thomas Penn and Richard Penn, Esquires, excepted; which shall be taxed in the manner directed by a particular law,

passed or to be passed for that purpose." Not willing, however, to rest the controversy here, he proceeded to declare, "that their extracts from the journals of Parliament proved nothing to the purpose for which they were quoted, the constitution of England and the constitution of Pennsylvania being no way similar; that how many soever of his former amendments they had admitted, their leaving out the most material one, made the proposal of a separate bill a necessary expedient; so that they had no reason for bursting out into such a lofty strain of rhetoric concerning his amending his amendments, &c.; that as to the number of money bills he had rejected, they were but five in all, and all rejected for sufficient reasons, [such as we have seen!] and that, if they were disposed to relieve their country, they had many other ways, to which he should have no objection." Proceeding then to the personal topic, and his being treated as a stranger, he takes a retrospect of their conduct, with an intent to show, that they had treated Mr. Hamilton, though a native, with as many abuses as they had treated him; and here occurs a paragraph or two which must be inserted *verbatim;* namely,

"And here, was I inclined to go beyond my own times, I might begin with reminding you how contemptuously you treated the proprietary offer of four hundred pounds, for erecting a place of strength on the Ohio, together with an offer of one hundred pounds per annum towards its support; which offers were made at a time, when your concurrence would probably have prevented many of the calamities we now groan under.

"I might also observe, that when Mr. Hamilton first called upon you, pursuant to his Majesty's orders, to grant such supplies as would enable him to draw forth the strength of the province, and to repel force by force,

you would not admit that the French encroachments and fortifications on the Ohio were within our limits, or his Majesty's dominions; thereby seeking an excuse to avoid doing what was required of you."

He had also the disingenuity to mention the late defeat of his Majesty's forces, in express terms, as having happened "for want of that timely support and assistance which it was in the power of the province to have afforded." And having again declared, that he could not recede from his amendments, and expressed his satisfaction at their intended complaint against him, he concluded with the two following paragraphs, which are equally insidious, injurious, and unbecoming.

"Upon the whole, it appears clear to me, that you never intended that any of your bills should pass for raising money to defend the province; and this seems now to be placed beyond all dispute, since those people under whose influence you are chiefly known to be, are said to have declared publicly to you, that they would sooner suffer than pay towards such purposes.

"However, I shall put one proof more, both of your sincerity and mine, in our professions of regard for the public, by offering to agree to any bill, in the present exigency, which it is consistent with my duty to pass, lest, before our present disputes can be brought to an issue, we should neither have a privilege to dispute about, nor a country to dispute in."

Together with this message, the secretary also brought down another altogether as extraordinary, in which the governor acquaints the House, "that he had considered their bill, for the better ordering and regulating such as were willing and desirous to be united for military purposes within that province; and, though there were many things in it of a very extraordinary nature, and that he was convinced it would never an-

swer the purpose of defending the province, even if it could be carried into execution, in any reasonable time, which he was afraid it could not, yet, to show he was desirous of doing any thing that had even a chance of contributing to the safety of the province, he should consent to it in the shape they had sent it, as it would be entering into new disputes, should he amend it properly."

And, what is perhaps more extraordinary still, the governor, on the same day, namely, Saturday, November 22d, received some despatches from the proprietaries, the contents of which he did not communicate to the House till the Monday following; by which time he was ready to unmask such a variety of batteries as he thought would be sufficient, by their very noise alone, so to intimidate his antagonists at least, that they should not presume to make him such a return to his last message as they had done to his former.

The first was a report from his council, containing such a discussion of Indian affairs as was to be taken for a discharge in full of the Shawanese complaints mentioned in a message from the assembly, at their first sitting in consequence of the governor's summons.

The second was a call upon them to provide for a swarm of French inhabitants banished out of Nova Scotia by Governor Lawrence, and sent at a venture to be distributed through the rest of his Majesty's colonies along the continent.

And the third, not only notified the receipt of the proprietaries' despatches above mentioned, but farther specified, "That, such was their care and regard for the people, that they had no sooner received the account he had sent them of General Braddock's defeat, than they sent him an order upon their receiver-general for five thousand pounds, as a free gift to the public, to

be applied to such uses as that event might make necessary for the common security of the province; that he had directed the said receiver-general to have the money ready as soon as possible; and that it should be paid by such persons as should be appointed by act of assembly for the disposition of any sum they might think necessary to raise for the defence of the province in that time of danger." Two other clauses were also added; one importing, "That this timely and generous instance of the proprietaries' care and anxiety for the inhabitants could not fail making the most lasting impression upon the minds of every well-wisher to that country;" and the other, "That the governor upon that occasion again recommended it to them to lay aside all disputes, and to grant such supplies, in addition to what the proprietaries had given, as his Majesty's service and the pressing exigences of the province required."

That they might not, however, have any merit to plead on either of these heads, but might seem to be driven by force into every such measure as was thus recommended, on the very next day after this, and before it was possible for them to come properly to any resolutions at all, came again the mayor of Philadelphia, having now also prevailed with his corporation to join him and his prompters, with a remonstrance, in a style altogether dictatorial, "reproaching them with losing their time in deliberations, while their fellow-subjects were exposed to slaughter, and in debates about privileges, while they were deprived of the great first privilege of self-preservation, and requiring them to postpone all disputes, grant necessary supplies, and pass a reasonable law for establishing a militia; and, in the close of it, recommending despatch, as the people seemed already in a deplorable and desperate state, and they feared it would not be possible to preserve

the peace and quiet of the city, or of the province itself, much longer."

The House, notwithstanding, to be consistent in all things, called, in the first place, upon their committee for the answer they were directed to prepare to the governor's last invective, which was ready, and in substance as follows; to wit,

"That if they could be astonished at any thing which came from their governor, they should be astonished at his repeating charges and calumnies, groundless in themselves, and so repeatedly, fully, and publicly refuted; that, instead of refuting them, therefore, they should only refer to their former refutations; that what he says concerning the risk of losing so important an act was mere sophistry and amusement; that, as they had before asserted, conditional or alternative clauses were common; that in the same act there was another, namely, that, in case the four years tax did not produce sixty thousand pounds, the defect should be supplied by an additional tax; and, if it exceeded, the overplus should be disposed by a future act, to which the governor had made no objection; that, notwithstanding all the dust he had attempted to raise, it was therefore clear to them, that the bill was entirely unobjectionable; that their mode was more proper than his, and as safe both for the bill, and the pretended rights of the proprietary; that his commission had no such prohibition as he affected to find in it; and that they could not, in a money bill like this, admit of amendments not founded in reason, justice, or equity, but in the arbitrary pleasure of a governor, without betraying the trust reposed in them by their constituents, and giving up their just rights as free-born subjects of England; that by the charters their constitution was founded upon, in addition to the privileges

therein specially named, they are moreover intitled to all other powers and privileges of an assembly, according to the rights of the free-born subjects of England, and as is usual in any of the King's plantations in America; that the free-born subjects of England had a right to grant their own money their own way, the governor did not deny, nor that the same was usual in other plantations; that, therefore, they had the same right, and should have had it if it had not been so specified in their charter; such free-born subjects, instead of losing any of their essential rights, by removing into the King's plantations, and extending the British dominions at the hazard of their lives and fortunes, being, on the contrary, indulged with particular privileges for their encouragement in so useful and meritorious an undertaking; that indeed their constitution was, in one respect, no way similar to that of England, namely, the King's having a natural connexion with his people, the crown descending to his posterity, and his own power and security waxing and waning with the prosperity of his people; whereas plantation-governors were frequently transient persons, of broken fortunes, greedy of money, destitute of all concern for those they governed, often their enemies, and endeavouring not only to oppress but defame them, and thereby render them obnoxious to their sovereign and odious to their fellow-subjects; that their present governor not only denied them the privileges of an English constitution, but had endeavoured to introduce a French one, by reducing their assemblies to the insignificance to which the French parliaments had been reduced; had required them to defend their country, and then put it out of their power, unless they would first part with some of the essentials which made it worth defending, which was in fact reducing them to an Egyptian constitution;

for that, as the Egyptians were to perish by famine unless they became servants to Pharaoh, so were they by the sword, unless they also became servants to an absolute lord, or, as he was pleased to style himself, absolute proprietary; that all comparisons made by the governor of himself to his immediate predecessor would be to his own disadvantage, the differences between the former gentleman and his assemblies having been but small in comparison with those then subsisting, and conducted by him with some tenderness to his country; that how much soever the people were at that time dissatisfied with some particulars in his administration, the present had given them abundant reason to regret the change; that as to the collusion charged upon them, in not intending any of the bills they had offered for the defence of their country should pass, they could, with humble confidence, appeal to the Searcher of all hearts, that their intentions perfectly corresponded with their actions; that, not to mention the unfairness of ascribing to a whole people the indiscretion of a few, [those who had declared they would suffer rather than pay for military measures,] the governor himself must own, they could not be under the influence he supposed, when they assured him, that several more votes had been given for those measures since they were petitioned against, than before; that they were totally ignorant of the many other ways of raising money, to which the governor had no objection; as also, what that other bill might be, which he might think consistent with his duty to pass; that he thought it inconsistent with his duty to pass any bills contrary to his instructions from the proprietaries, which, (like the instructions of the president and council of the North, mentioned by Lord Coke, 4 Inst. p. 246,) were to them impenetrable secrets; that, according to the same great

lawyer's remark on governing by such instructions, *Misera est servitus, ubi jus est vagum aut incognitum;* that, therefore, it would be in vain for them to search for other ways, or frame other bills; and that here the matter must rest till his Majesty should be graciously pleased to relieve them; since, with the governor, they could no otherwise hope to end their unhappy divisions, than by submitting to one part or the other of the miserable alternative mentioned by him, either not to have a privilege worth disputing about, or be deprived of a country to dispute it in."

But though this answer was, in every particular, conformable to the sense of the House, and was afterwards printed in the Appendix to their proceedings, they declined making use of it; and that for the present reported by the committee was to the effect following; to wit, "That the bulk of the governor's long message consisted of groundless charges and calumnies, which, having been repeatedly refuted, might be safely left to themselves; that, though they had prepared a full answer to the rest, yet, as there were now some hopes of an agreement with him in the money bill, which was the principal business of the session, they submitted it to the House, whether it would not be more consistent with their prudence and moderation to suppress it; that there being, however, one or two new charges brought against the assemblies of that province, it might be proper to take some notice of them; that the first of these was, that they contemptuously treated the proprietary offer of four hundred pounds for erecting a place of strength on the Ohio, and of one hundred pounds per annum towards its support; that this contemptuous treatment was not specified, but might be explained by a passage out of the *Brief State*, [a proprietary pamphlet,] where it is said, 'The House refused

this proposal a place in their minutes;' that the fact was, however, otherwise; that the said proposal appears in several pages there specified; and that nothing farther than what is there could properly be made a part of those records; and the reason thereof is then assigned in the following narrative, which, for various reasons, deserves to be made a part of this discourse.

"The late Governor Hamilton, after sending the message of the 13th of August, 1751, requested a private meeting with some of the members of that House, but without any authority from the assembly.

"At this meeting Governor Hamilton offered, on behalf of the proprietaries, four hundred pounds towards building such a house upon or near the Ohio, (but not a syllable of maintaining or supporting it.) The Indians were so far from pressing our engaging in it, that instructions were drawn by this government to require it of them, at a treaty held by G. Croghan, in May, 1751, and they evidently showed themselves apprehensive such an attempt might give umbrage to the French, and bring them down the Ohio, with an armed force, to take possession of those lands. And about two years afterwards, these very Ohio Indians, at the treaty held at Carlisle, in October, 1753, say to our government, 'I desire you would hear and take notice of what I am about to say; the governor of Virginia desired leave to build a strong house on Ohio, which came to the ears of the governor of Canada, and we suppose this caused him to invade our country.'— *Treaty*, p. 8. The same sentiments appeared among the Six Nations, at the Albany treaty; 'That the English and French were only contending which of them should have their lands.' The reasoning made use of by the members at this private conference with the late governor was, that the land where they proposed to

build it was claimed by the crown, and was very probably beyond the limits of Pennsylvania; that at least it would be beyond the reach of our laws, as appeared by the people already settled on Juniata, just beyond the North Mountain; that this, instead of healing, might create irreconcilable breaches with our Indians, considering what sort of people would probably reside there; that the Indians had never heartily requested it, nor did it seem to be their interest so to do; and if they had requested it, as they were in subjection to the Six Nations, it would be necessary to have their assent; that this precipitate act would probably create a jealousy in the French, and give them some pretence of an infraction of the treaty of Utrecht on our part, and might finally engage the British nation in a war with France. These, and many other reasons, were urged at that private conference, as several of those members apprehended, to Governor Hamilton's satisfaction. And it appears by George Croghan's journal, that those Indians neither did, nor did they think they could, give leave to build a house on the Ohio, without the express consent of the Six Nations; and accordingly they took two months to acquaint the Onondago council with this transaction, and then to send us word, which they never complied with.

"It appears further, by the assembly's message to Governor Hamilton, on the 21st of August, 1751, taken from the informations of Conrad Weiser, and Andrew Montour, 'that the request, inserted in George Croghan's journal as made by the Indians at Ohio to this government, to erect a strong trading-house in their country, as well as the danger it is there said they apprehended from the attempts of the French, was misunderstood or misrepresented by the person the governor confided in for the management of that treaty.'

But it may be unnecessary to pursue this inquiry into an affair wherein George Croghan thought himself unkindly, if not unjustly, sacrificed to private ends, as is well known to such as were acquainted with this affair, and appears in the letters and other papers sent by himself to some of the members of that assembly."

Coming then to the other new charge, namely, that the assembly would not admit, that the French encroachments were within the King's dominions, they maintain that this charge is as ill-founded as the other; "For," say they, "though the House never took upon them to ascertain the bounds of the King's dominions, they never directly or indirectly denied those encroachments to be within them." They then proceeded to examine the extracts from the council minutes sent by the governor, in proof that money bills had been amended by former governors. They demonstrated in ten several instances, those extracts had not been fairly represented. And they concluded in these words; "Were all these to be deducted from the list, it would appear that there are but few instances in our journals of proper money bills amended by the governor, and the amendments agreed to by the House; this is no more than was acknowledged by the preceding assembly, in their message of the 29th of September, where they say, that in a very few instances their predecessors might have waved that right on particular occasions, but had never given it up."

Scarce had the House agreed with their committee in laying aside, for the present, the first of these answers, for the reasons assigned in the second, than certain inhabitants of Philadelphia, joined with others of the county of Chester, in all twenty-nine persons, thought themselves at liberty to assail the House in person with a petition, desiring, that the governor and

the House would unite in the fear of God, &c. And as the minute taken of this strange incident (which followed the Philadelphia remonstrance in much such a manner as the legion-letter followed the Kentish petition before referred to) will serve at once to show the ferment which then prevailed in the province, and yet how far the people in general were from desiring to be preserved against the incursions of the enemies, at the expense of their constitutional liberties; it is here inserted, to wit;

"The Speaker told them, that it was well known this House was composed of members chosen without any solicitation on their parts, to be the representatives of the people, and guardians of their liberties; that the whole powers the House were invested with, were derived from the people themselves; and that, as the House had hitherto, so they should still continue to discharge the high trust reposed in them, to the best of their understanding and abilities; and then asked them, whether they desired that the House should give up any rights, which, in the opinion of the House, the people were justly entitled to. Some of the petitioners, in behalf of the whole, answered, No; they were far from requiring any thing of that kind; all they wanted was, that some expedient might be fallen upon, if possible, to accommodate matters in such a manner, as that the province might be relieved from its present unhappy situation. To this the Speaker replied, that nothing could be more agreeable to this House than a harmony between the two branches of the legislature; and that, as the governor had yesterday evening sent down a message, intimating that the proprietaries are now disposed to contribute a sum of money towards the common security of the province, there was a great probability that all controversies on that head were at

an end, and that some method would be speedily taken for relieving the province from its present difficulties."

In effect, the governor having given his consent to the militia bill, and the House having made some immediate provision, for landing and relieving the miserable French exiles obtruded upon them from Nova Scotia, they proceeded to resolve, first, unanimously,

"That the right of granting supplies to the crown in this province, is alone in the representatives of the freemen met in assembly, being essential to an English constitution. And the limitation of all such grants, as to the matter, manner, measure, and time, is in them only." And then,

"That, in consideration of the governor's message of yesterday, by which it appears, that the proprietaries have sent him an order on the receiver-general for five thousand pounds, to be paid into the hands of such persons as shall be appointed by act of assembly, and applied, with such sums as the assembly should grant, to such uses as may be necessary for the common security of the province; and as it would not be reasonable or just, at this time, to tax the proprietary estate, in order to raise money therefrom, over and above the said grant from the proprietaries, the House will immediately proceed to form a new bill for granting a sum of money to the use of the crown, and therein omit the taxation of the said estate."

Accordingly such a bill was ordered the same day, and, in full confutation of all the injurious surmises that they did not so much as intend to save their country, prosecuted with so much zeal and alacrity, that it received the governor's assent the next but one following.

CHAPTER XIV.

The Indian-Trade Bill. Complaint of the Shawanese Indians. Resolution concerning the Indian-Trade Bill, and irregular and improper Petitions. The Message of the Assembly in Regard to the Enlisting of purchased Servants. General Shirley's Letter of Acknowledgment for a voluntary Present of Clothing sent to his Troops. Bill for Extending the Excise. Assembly adhere to their Bills and assign their Reasons. The Governor goes to Newcastle, and the Assembly adjourn.

THUS the two branches of the legislature were at last united in the great duty of making all contribute to the defence and preservation of all.

But, though the storm was for the present over, some marks of recent turbulence still remained. The governor, though frequently called upon, could not be brought to pass the bill for regulating the Indian trade. The House, therefore, thought proper to press him with such a message, as should, by explaining the nature of the bill, not only indicate the nature of the abuses it was calculated to correct, but also oblige him, if possible, to account for his delay; and the message agreed upon was as follows, namely;

"May it please the Governor,

"As the bill for regulating the Indian trade, by employing sober and discreet persons to reside among those nations that remain friends to this province, for the purpose of furnishing them with the necessary goods in exchange for their peltry, at easy and reasonable rates, on account of the public, and thereby securing them to our interest, seems to us a bill of great importance at this juncture, we are very desirous of bringing it to a conclusion as soon as possible; and

therefore once more earnestly request the governor would be pleased to let us know his sentiments upon it, and communicate the amendments he is pleased to say he thinks needful, that we may consider them. The bill has already lain before him above two weeks; and we fear, if something of the kind is not immediately gone into, we shall lose our few remaining Indians on Susquehanna; for, as none of our traders now go among them, and they dare not come down to our settlements to buy what they want, for fear of being mistaken for enemies, there seems to be the greatest danger of their being necessarily driven into the arms of the French, to be provided with the means of subsistence."

To which the governor was pleased to return the following evasive answer;

"Gentlemen,

"Since your bill for regulating the Indian trade has been before me, my time has been so much taken up with the variety of business that the circumstances of this province made necessary to be despatched without delay, that I have not been able to give it the consideration a bill of that nature requires, nor to examine the laws of the neighbouring provinces upon that subject. But, as the Indian trade is now at a stand, I cannot conceive that it will be at all dangerous to the public to defer the completing of this act till the next sitting; especially as it will be necessary to call in and confine our friendly Indians to certain limits, to prevent their being mistaken for and killed as enemies, where they must be subsisted. This will hinder them from hunting, so that they will have no skins to trade with."

And now, after having so often treated the assembly as a body fitter to be prescribed to, than consulted with, he took it into his head to apply to them for advice; on what account it is reasonable his own message should explain.

"Gentlemen,

"General Shirley, pursuant to his Majesty's orders for that purpose, has requested me to meet him at New York, in a congress he has there appointed, as you will observe by the extract of a letter from him upon that subject, which the secretary will lay before you. At that meeting, business of the greatest consequence to his Majesty's service and the safety of these colonies will be considered and concluded, and the success of the next year's operations may, in a great measure, depend on the timely resolutions of that council.

"I have lately received such intelligence as to the state of Indian affairs, as will make it necessary for the colonies to join in some general treaty with those people, as well to the southward as the northward, which can no way so well be resolved on as at the congress now already met.

"And, on the other hand, the late incursions of the enemy, and the necessity there is of putting this province into a posture of defence, as well as carrying into execution the several matters now in agitation, call for my presence, and the authority of the government. Under these difficulties I find myself at a loss which service to prefer, and desire you will give me your sentiments on this momentous and pressing occasion."

Now this congress was, in fact, to be a council of war; and the instructions the general had received, according to his own account, was to summon such of

the governors on the continent, as far westward as Virginia, as could, to attend it.

Governor Morris, therefore, would have been under no great difficulty on this head, if the circumstances of his province had been really such as he had been always fond of setting them forth.

But his purpose was to go; and he wanted the countenance of the assembly to concur with his inclinations, that he might not be charged with inconsistency, either by stimulating them with false alarms, or deserting them in real dangers.

The assembly, however, chose to leave the difficulty upon himself, as he alone was acquainted with the necessity of his attending the said congress; but then they left him at no loss concerning their opinion; for they admitted the present circumstances did call strongly for his presence at home, and for the whole authority of government; and they also offered to be at the expense of sending commissioners to New York, to supply his place, either in concluding on the matters proposed by the crown, or concerting measures for a general treaty with the Indians. "For," said they, "as this province always has been, so we still are, ready to join with the neighbouring colonies in any treaty with the Indians, that may conduce to the general advantage of the British interest, as well as, at our own charge, to make such as tend particularly to our own peace and security."

A noble declaration! what is alone sufficient to silence all the invectives, which have been so liberally bestowed on this province! and what, in modern proprietary documents and the speeches and messages of deputy-governors, it would be very hard to match.

Of the stress in this message, however, laid on the present state of Indian affairs, the House took the

advantage to recollect what had passed between them and the governor in relation to the Shawanese complaint; and, with an equal regard to truth and candor, took occasion, in a message to the governor, to express themselves upon it as follows, namely;

"May it please the Governor,

"We have considered the report of the committee of the governor's council, to which he is pleased to refer us for an answer to our inquiry, relating to a claim of the Shawanese Indians, on the lands near Conedoguinet. We are far from desiring to justify those Indians in their late outrages and murders, committed against the people of this province, in violation of the most solemn treaties. We believe that great care has generally been taken to do the Indians justice by the proprietaries, in the purchases made of them, and in all our other public transactions with them; and as they have not the same ideas of legal property in lands that we have, and sometimes think they have right, when in law they have none, but yet are cheaply satisfied for their supposed as well as real rights, we think our proprietaries have done wisely, not only to purchase their lands, but to 'purchase them more than once,' as the governor says they have done, rather than have any difference with them on that head, or give any handle to the enemies of the province to exasperate those people against us. It appears indeed, from the report, that they could have but a slender foundation for a claim of satisfaction for those lands; we are, however, convinced, by original minutes taken by one of the commissioners at the treaty of Carlisle, now lying before us, that the Shawanese chiefs mentioned that claim of theirs to the lands in question at that time, and were promised that the matter should be laid before

the proprietaries. It was after the public general business of the treaty was over, and was not inserted in the printed account of the treaty, perhaps because it was thought to relate more particularly to the proprietary than to the province; and one of the commissioners being himself concerned in the proprietaries' affairs, there was reason to believe he would take care to get it settled; and doubtless he would have done so, had he not, as appears by the report, entirely forgot the whole transaction. We are sorry it was not done, though probably the instigations, present situation, and power of the French, might have been sufficient, nevertheless, to have engaged those Indians in the war against us."

They also took into consideration the governor's answers to their several messages in relation to the bill for regulating the Indian trade; and resolved thereon, "That it was their opinion, the governor had evaded giving any answer, or offering any amendments to it, that it might be transcribed and sent over to the proprietaries for their opinion or assent; that the said bill was of great importance in the present critical situation of affairs; that the delay or refusal of entering into the consideration thereof at that time, might be attended with very ill consequences; and that those consequences would not lie at their door."

And having before resolved to adjourn till the 1st of March ensuing, they moreover took upon them to provide for the subsistence of certain friendly Indians, settled near their frontiers, in the mean while.

Nor was this all; for, the incidents of the session having shown, that it was high time for the assembly to assert their own authority, as far forth at least as the factions and intrigues of the province, at that time

subsisting, would permit, they called for the report of their committee, appointed to sit on the several irregular and improper applications which had been made to them during the session; and, having duly considered it, ordered it to be entered on the minutes of the House.

Everybody knows, that the reports of committees can consist of opinions only; and these gentlemen gave it as theirs, "That, though it was the undoubted right of the freemen of the province, not only to petition, but even to advise their representatives on suitable occasions, yet all applications whatever to the House, ought to be respectful, decent, pertinent, and founded in truth."

"That the petition of Moore and his thirty-five followers, concerning unnecessary disputes with the governor, when no disputes had been begun; and insinuating, that the House had neglected the security of the province from conscientious scruples, was founded on mistakes and misapprehensions of facts and circumstances." [They might have said much more, if they had thought proper.]

"That the petition entitled, 'An address of certain people called Quakers in behalf of themselves and others,' (signed by Anthony Morris and twenty-two others,) so far as it engaged for any more than themselves, and insinuated they would be under a necessity of suffering rather than paying for other than peaceable measures, had, notwithstanding the decency of its language, assumed a greater right than they were invested with; and, forasmuch as the said petitioners had not duly considered former precedents, especially the grant of two thousand pounds to the crown in the year 1711, was an unadvised and indiscreet application to the House at that time."

"That the representation from the mayor of Philadelphia, and one hundred and thirty-three others, said to be of the principal inhabitants, but in reality a great part of them not freeholders, many of them strangers and obscure persons, and some of them under age, as it charged the House with not having a proper concern for the lives of the inhabitants, and dictated, in a haughty, peremptory manner, to the representative body of the whole people, what laws to make, and threatened to force a compliance, &c., if its commands were not obeyed, was a paper extremely presuming, indecent, insolent, and improper; and that the said mayor, by becoming a promoter and ringleader of such an insult on that part of the government, and, by his authority, arts, and influence, drawing in so many indiscreet or unwary persons to be partakers with him therein, had exceedingly misbehaved himself, and failed greatly in the duty of his station." Expressions equally applicable to the governor himself as chief magistrate, if the mayor, in all this, only acted as a tool of his.

And, upon the whole, "That the said paper ought to be rejected."

Thus ended this memorable session, on the 3d of December; and that day two months, instead of that day three months, which was the time prefixed by their own adjournment, the governor, having in that interval left his province, in order to attend the military congress at New York, notwithstanding the preventives thrown as above by the assembly in his way, thought fit to convene them again; and, by the medium of a written message in the usual form, told them, "that he had called them together to consider of the plan of operations, concerted in the late council of war held at that place for the security of his Majesty's dominions on the continent; that he had directed the said plan

to be laid before them, under a recommendation of secrecy, that no part of it might be suffered to transpire; that the many encroachments of the French, &c. sufficiently showed what they had farther to expect, if they did not, by a united, vigorous, and steady exertion of their strength, dislodge and confine them within their own just bounds; that he was persuaded this would be found the best way of providing for their own security, and that, therefore, he must recommend it to them to grant him such supplies as might enable him to furnish what was expected from that province towards the general service; that they must be sensible their success would very much depend on their being early in motion; and that he made no doubt, they would use the greatest diligence and despatch in whatever measures their zeal for the public cause might induce them to take upon the present occasion; that every thing possible had been done for the security of the province; that a chain of forts and block-houses, extending from the river Delaware along the Kittatinny Hills [where he had formerly said the fifteen hundred French and Indians had taken post in their way to Philadelphia] to the Maryland line, was then almost complete; that they were placed at the most important passes, at convenient distances, and were all garrisoned with detachments in the pay of the province, and, he believed, in case the officers and men posted in them did their duty, they would prove a sufficient protection against such parties as had hitherto appeared on their borders; that he had directed the minutes of the several conferences held with the Indians, and other papers relating to Indian affairs, (by which it appeared that the bulk of the Indians living on the Susquehanna were not only in the French interest, but deaf to all the instances of the Six Nations thereon,) to be laid before

them; that the heads of those nations had been convened by the timely care of General Shirley, and were then met in council to treat on those and other matters; that he was informed, they were so much displeased with the conduct of the Delawares and Shawanese, that they seemed inclinable to take up the hatchet against them; and that he hoped the warmth with which General Shirley had recommended this matter to them, would induce them to act vigorously on this occasion."

Connexion is not to be expected in this gentleman's proceedings; his congress we have already seen converted into a council of war; instead of a general treaty with the Indians, he brings back a plan of military operations; and while the levies were actually making of the sixty thousand pounds, just given, for the defence of the province, he calls upon them for a supply towards an offensive war.

By the plan settled among the governors at their late council, which is now in print, the colonies were to raise ten thousand two hundred and fifty men, to be employed in two bodies against the French settlements on the Lake Ontario and Crown Point; and of these, fifteen hundred were to be suppled by Pennsylvania.

The governor, however, did not think it expedient to push this demand in the cavalier manner he had hitherto practised; probably convinced, that it was what the province neither would or could comply with; and that consequently he should only draw down so much the more odium on himself.

Besides, the assembly was scarce met before a circumstance occurred, which, though of an almost private nature, served to evince the truth of what has been just insinuated.

The several recruiting parties, distributed through

the province by the order of General Shirley, had renewed the old practice of enlisting purchased servants; the persons thus deprived of their property brought their complaints before the assembly. The assembly, not only received the petitioners favorably, but also espoused their cause, in the strongest terms, to the governor; and, as their address on this occasion contains such a state, both of the province and its conduct, as will serve to make the reader equally acquainted with both, the most material paragraphs are here adjoined.

"We presume, that no one colony on the continent has afforded more free recruits to the King's forces than Pennsylvania; men have been raised here in great numbers for Shirley's and Pepperell's regiments, for Halket's and Dunbar's, for the New York and Carolina independent companies, for Nova Scotia, and even for the West India Islands. By this, and the necessity we are under of keeping up a large body of men to defend our own extensive frontiers, we are drained of our hired laborers; and, as this province has but few slaves, we are now obliged to depend principally upon our servants to assist us in tilling our lands. If these are taken from us, we are at a loss to conceive how the provisions, that may be expected out of this province another year for the support of the King's armies, are to be raised.

"We conceive that this province could not possibly have furnished the great numbers of men and quantity of provisions, it has done for the King's service, had it not been for our constant practice of importing and purchasing servants to assist us in our labor. Many of these, when they become free, settle among us, raise families, add to the number of our people, and cultivate more land; and many others, who do not so settle, are ready and fit to take arms when the crown calls for

soldiers. But if the possession of a bought servant, after purchase made, is thus rendered precarious, and he may at any time be taken away from his master, at the pleasure of a recruiting officer, perhaps when most wanted, in the midst of harvest or of seed time, or in any other hurry of business, when another cannot be provided to supply his place, the purchase and, of course, the importation of servants will be discouraged, and the people driven to the necessity of providing themselves with negro slaves, as the property in them and their service seems at present more secure. Thus the growth of the country by increase of white inhabitants will be prevented, the province weakened rather than strengthened (as every slave may be reckoned a domestic enemy), one great and constant source of recruits be in a great measure cut off, and Pennsylvania soon be unable to afford more men for the King's service, than the slave colonies now do."

They also accompanied this address with an extract of a letter from General Shirley to Colonel Dunbar, in which he declares himself convinced, that the enlisting of apprentices and indented servants would greatly disserve his Majesty's interest, as well as be in most cases grievous to the subject, and in the strongest manner recommends it to him to avoid doing it.

Even the governor himself, in his answer, acknowledged the fact, admitted it to be a great hardship, and an unequal burden upon the inhabitants of the province; but, instead of issuing his proclamation, strictly charging and commanding all officers, civil and military, to be aiding and assisting to the inhabitants, in securing or recovering their servants, when any attempt should be made to force them away, as required by the assembly, told them the courts were open, and that the injured might there sue out his remedy by due course of law.

He also signified, that General Shirley had now altered his opinion, and issued orders different from those he had before given to Colonel Dunbar. And, in effect, a letter from the said general, in answer to one of the governor's, was soon after communicated to the assembly, in which he pleads the necessities of the service for a continuance of the practice; and, in justification of it, cites the authority of his own government, "where it was common," he said, "to impress both indented servants and others for garrisoning the frontier towns, where they often remained several years."

And his thus renouncing his former conviction is so much the more remarkable, because the province had recently made his troops a voluntary present of warm waistcoats, stockings, and mittens; and, in his letter of acknowledgment (dated but five days before that to the governor) to the assembly, addressed to one of the members, he expresses himself as follows;

"I am now, Sir, to acquaint you, that I have ordered a distribution of clothing, and to desire the favor of you to make my acknowledgments to the assembly for this second instance of their public spirit and zeal for his Majesty's service and the general good of these colonies, given by them in the expedition against Crown Point.

"I cannot but hope that so laudable an example will inspire the other colonies with the like spirit, so necessary at this critical conjuncture for putting a stop to the invasions and devastations of the French and their Indians within our borders, and placing the British northern colonies in a state of security against the attempts, which, from the armament sent the last year from France, and their known designs, we have the utmost reason to expect they will push this year; and that it will continue to animate the government of

Pennsylvania in the common cause, as it hath hitherto done, so highly to their advantage.

"Be pleased, likewise, to assure them, Sir, that I shall not be wanting in making a just representation to his Majesty of these marks of their zeal for the service of their King and country, and doing every thing in my power for the service of the province."

It is indeed remarkable of Pennsylvania, that, though represented and treated by its enemies, as if it was the barren fig-tree, applications were continually made to it on all sides, as if it was capable of furnishing all demands and incapable of refusing any.

His Majesty having graciously ordered a considerable present to be sent to New York for the Six Nations, and Sir Charles Hardy, governor of that province, being soon to hold a meeting with them, in order to the distribution, Pennsylvania was called upon to follow the example of New York in making some addition to it; and Governor Morris was prevailed upon by Governor Hardy to make the demand accordingly.

Nor was the assembly averse to it; the province had agents at that very time with Sir William Johnson, to sound the disposition of those nations towards them; and, as Sir Charles Hardy's meeting was not to take place till towards the end of March, and the governor's message was dated February 16th, they apprehended that no inconveniences could ensue from their not giving a determinate answer till the return of those agents, which was very soon expected.

And in the mean time as the governor could not mention Indian affairs to them without putting them in mind of the bill, which had been so long in his hands, for regulating the Indian trade, they again called upon him to take it into consideration.

They had now sat a full month, and had received

a message from him, recommending a stop to be put to the exportation of provisions, from some ill-grounded apprehensions of a scarcity, which they had under consideration; they were also deeply engaged in a bill for the better regulation of their forces, and they had sent up another for continuing the excise, when the governor was pleased to return both that and the Indian-trade bill, with several proposed amendments, and a notice, "that, his Majesty's service requiring his presence at Newcastle, he intended to set out for that place on the morrow, or next day after."

To redeem time, therefore, the said amendments were immediately discussed, and, upon the question, rejected; of which they apprized him in the following brief and sensible manner.

"May it please the Governor,

"The excise bill now offered the governor for his assent, being free of all objections as to royal instructions or acts of Parliament, and the same that has heretofore repeatedly received the royal assent, and no reason appearing to the House why the change should be made, that is proposed by the governor's amendment, they therefore unanimously adhere to the bill, and desire it may receive his assent as it now stands.

"The bill for regulating the Indian trade, being an imitation of the law for the same purpose, found so beneficial by long practice and experience in the province of the Massachusetts, the House do also adhere to that bill as it stands; and request the governor would be pleased to reconsider his amendments."

Of this the governor took no notice, but proceeded to Newcastle, as he had before intimated he would; and

the assembly, having at last conquered the difficulties raised among themselves, and passed their bill for regulating the officers and soldiers in the service and pay of the province, adjourned to the 5th of April then next ensuing.

CHAPTER XV.

Sir William Johnson's Treaty with the Six Nations. The Governor appears strongly inclined to involve the Province in a War with the Delawares and Shawanese. He also demands farther Supplies. The Resolutions of the Assembly concerning a Plan of Military Operations. They adjourn and are re-assembled. A Petition of the Association Companies in Philadelphia, concerning the Insufficiency of the Militia Law. The Governor proclaims a Suspension of Arms. The Assembly's Message to him; in which they again press him to pass the Indian-Trade Bill. Six Members desire Leave upon the Adjournment to quit their Seats. Their Resignation accepted, and new Writs issued.

As this adjournment was so very short, the members were permitted to have the full benefit of it; but, when they met again, new troubles arose, not to say were prepared for them.

Sir William Johnson's treaty with the Six Nations was laid before them; and they found the governor strongly determined to involve the province in an Indian war with the Delawares and Shawanese; which a very considerable part of the province, from principles of prudence, as well as scruples of conscience, most earnestly desired to avoid.

The affair was soon taken into consideration; and the House appeared to be far from unanimous upon it. Some, from the papers laid before them, finding reason to believe, that an accommodation might still be effected, were for addressing the governor to suspend his purpose for some time longer; and others had influence enough to postpone the debate, and thereby prevent their coming to any conclusion upon the question at all.

The issues of war and peace, they might probably argue, were solely in the executive; and consequently

the executive was alone to be answerable for the uses made of them.

But, whatever their arguments were, whatever effect they had within doors, the same difference of opinion still remained without. On one hand, some of the people called Quakers, residing in the city of Philadelphia, on behalf of themselves and many others, presented petitions both to the governor and the House, full of exhortations to pursue pacific measures with these savages, and to preserve the province, if possible, from the calamities of an Indian war; and, on the other, the governor informed the House, that a number of people from the back counties had resolved on a meeting, in order to proceed in a body to make some demands of the legislature then sitting; and, after having made a merit of his information, added, "that, by the advice of the council, he should give immediate orders to the provincial and other magistrates to use their utmost endeavours to prevent the mischiefs, which might attend so extraordinary a procedure."

The House, however, preserved their equanimity on this occasion; surprise they did express, that, having in all respects demonstrated so much care and concern for the security of the province, any of the people should meditate mischief against them; but, instead of discovering any fear, they announced the laws of the province against rioters, and accompanied their thanks to the governor for his intelligence, with a request, that he would lay before them what informations he had received concerning their views or designs, or wherein they had apprehended themselves to be either neglected or aggrieved; which request he never thought fit to comply with.

It may indeed be collected, that these insurgents

were as strenuous for war, as the Quietists were for peace; and that the governor took advantage of this very incident to declare war against the Delawares and Shawanese, and offer rewards for taking prisoners and scalps, which he did immediately thereon. He also gave notice, in form, of the same to the assembly, urging the many and great cruelties on his Majesty's subjects within the province, as the cause; and concluded his message in the following terms;

"But, as great part of the sixty thousand pounds is already expended, and what remains will very soon be consumed in maintaining the troops posted on the frontiers, and other necessary services, I recommend it to you, Gentlemen, to grant such further supplies, as may be necessary to carry on the war with vigor, upon the success of which the future peace and safety of the inhabitants of this province will very much depend."

The same day he also informed them, "that the Indians, who had so long subsisted on the bounty of the province, (instead of taking part in this new war) were on the point of removing with their families (he was fearful, on some discontent, though he knew of no reason,) into the country of the Six Nations; and had demanded of him the necessary conveyances and passports." And he added, "that if they could not be prevailed on to act with the English, which he had directed the interpreter to endeavour, it would be necessary to reward the two partisans amongst them (Scarroyady and Montour) to their satisfaction for their trouble and service, to send the others away well satisfied, and to give those, that should continue, good encouragement."

The House, in answer, signified in substance, "that their late supply of sixty thousand pounds had fully enabled the governor, and the commissioners who were joined with him for the disposition of it, to do all that

was desired, or necessary to be done; that if great part of that supply, so lately granted, was already expended, and the rest would soon be so, they knew of no remedy; but that, as the assessment for sinking the bills of credit, issued in pursuance of the said act, had not as yet been laid or levied, as a great part of the money was still in hand, and as they were soon to meet again upon the adjournment, then so necessary to their private affairs, having waited long for the governor's answer to their bills, they could not think it would be of use at that time to lay an additional load of taxes on the inhabitants. They concluded with an earnest recommendation of the bill for regulating the Indian trade, as a bill of great importance for conciliating the minds of the Indians yet unfixed in their resolutions, and confirming those already in alliance with them, by supplying them with such goods and other things they might have occasion for, on the easiest terms, at the charge and under the inspection of the government." And, in a separate message sent at the same time, they farther gave him to understand, "that, having seriously deliberated on his message for putting a stop to the exportation of provisions, ever since they had received it, and made a full inquiry into the circumstances of the country, they had reason to hope that, under the common course of God's good Providence, no considerable danger or inconvenience could arise from continuing to leave their ports still open till their next meeting; as also that they proposed to adjourn till the 24th of the month next ensuing."

The return to this was, that the governor "had no objection to the proposed time of adjournment; that he thought, with the House, there was no immediate necessity for laying an embargo on provisions; that he should lay before the commissioners the affair of the

Indians, now in town, and endeavour to send them away well satisfied; that he expected the House would have made some preparations for executing the plan of operations for the ensuing campaign, but, as they had not, it must lie upon them; that, as to the Indian-trade and excise bills, he should consider them against the next meeting; and lastly, that he thought it proper to mention to the House by their messengers, that, although he had had more burdens laid upon him than any of his predecessors in the same time, yet he had received less from the House than any of them."

Lastly, the House, taking into consideration what the governor had said relating to their not having made preparations for executing the plan of operations for the ensuing campaign, resolved, in these words, "That, as this province has received no assistance from our mother country, and as we have already expended large sums of money for the raising and supporting a considerable body of men for the defence of our extensive frontiers, against the continued depredations and encroachments of a savage and merciless enemy, besides what has been expended in maintaining the friendly Indians, French neutrals, and in other purposes for the King's service, which expenses are likely to be continued for some time; the House are of opinion, that the present circumstances of the province will not now admit of their going into any preparations for executing the aforesaid plan of operations; and that it would be not only impracticable, but very imprudent, at a time the country is so greatly distressed by the unjustifiable taking of indented servants, and so many of our freemen are enlisted and gone away, to send so great a proportion of men, as is demanded of us, to so great a distance, and thereby deprive ourselves of their assistance, which we have too much reason to think we shall soon have occasion for."

These were the transactions of April 16th; and, as the reader will observe no notice was taken of the governor's remonstrance concerning himself, he will from thence, perhaps, be led to account for his re-convening them so soon afterwards as the 10th of May; he being then absent at a place called Harris's Ferry, and having nothing more pressing to lay before them, than what is contained in the following abstract of his message to them upon that occasion; to wit,

"That, the people of the frontier counties westward having lost great numbers of their fighting men, and the remainder being either driven from their habitations or worn out with fatigue, there was the greatest reason to apprehend the next attack would produce the entire evacuation of the two next counties, York and Cumberland; that the consideration of this deplorable and dangerous situation of those counties, which the most considerable of their inhabitants had, in the most affecting manner, laid before him, had induced him to call them together, that the best and speediest means might be taken to prevent, if possible, farther desolation; that the law for establishing a voluntary militia had contributed very little, if any thing, to the defence of the frontier; that he had observed it was defective when he passed it, and that it required so much time to carry it into execution, that nothing good was to be expected from it; that, though many companies had been formed under it, yet, for want of sufficient power lodged in him to order them to the frontiers, they were, as to that most material service, entirely useless; that he must therefore recommend it to them to form such a militia as might be just, equal, and carried into immediate execution, so as that he might be able to draw the strength of the province to such parts as stood most in need of it, and the whole burden of defending

the province might not fall too heavily on the few inhabitants, whose circumstances obliged them to remain in the back counties; that, as by the latest accounts from Europe, a considerable armament from France was to be expected in America, now to become the seat of war, and, as the enemy would in such case depend upon being supplied with provisions from the King's colonies by the intervention of the Dutch, he conceived a general embargo would be necessary; and that it should be rendered effectual by some such special law as should be thought necessary by himself and the governors of the neighbouring provinces, which he recommended to them to prepare; and that, the affairs of the province, and, in particular, the building a fort at a place called Shamokin, which was of so great importance to the province, requiring his personal care and attendance, it gave him concern that he could not be then at Philadelphia; but that they might be assured he would give all the despatch imaginable to any bills they might propose, which the secretary was to send to him from time to time by express."

To give the more weight to the militia clause, a petition was presented to the House from the officers of the association companies in the city of Philadelphia, complaining of the insufficiency of the present law, and praying that a new one might be framed, in which the defects of the former should be remedied.

The assembly gave the petition a civil but cool reception; and, in their reply to the governor's message, furnished the public with a brief of their sentiments and proceedings on the present occasion; to wit,

"That, being met in pursuance of the governor's call, they were concerned for his absence, as the public business could not be transacted as it ought, where the several parties were so far asunder; that, as, by the

joint care of himself and the commissioners for disposing of the sixty thousand pounds, the frontier was now in a better state of defence, than that of any other colony on the continent; the forts being numerous, all strongly garrisoned, and both officers and soldiers now reduced to due obedience and discipline by means of the act of Parliament, which, at their last sitting, they had extended to that province, they could not but hope, that the distressed inhabitants of the two counties mentioned might, by the blessing of God, become more secure in their settlements, and consequently more easy in their minds; and that more especially, as they understood there were, in the interior counties, many formed companies as yet unemployed, who were ready to enter into the service, and march to the frontier, whenever the governor should think fit to call them; and a considerable sum was still in the hands of the commissioners, wherewith the expense might be defrayed; that, as they conceived, the marching the militia to the frontier on every alarm, would be less effectual for its defence, and much more expensive and burdensome to the people, than their proportion of a tax for the maintenance of standing guards; that, indeed, they had little experience of a militia in this province, consequently, in framing so new a thing as a law to regulate it, their first essay might have its defects; that, however, as the governor did not point them out, when he passed the act, and they had not since occurred to them, all they could then say was, that, when he should think fit to send down any supplementary amendments, they would take them into their serious consideration; which he, the governor, might possibly be ready to do by the time to which they stood adjourned, then not far distant; that they had therewith sent him a bill for prohibiting the exportation of

provisions or warlike stores from this province, which they hoped would meet with his concurrence, being in conformity with the law lately passed at New York; but that, as all restrictions made by them would be ineffectual, unless the lower counties (the Territory, as formerly called,) were in like manner restrained, they had referred the continuance of their law to such future act as the governor and assembly of those counties should pass for that purpose; that they apprehended a strict compliance with that law would be of great service to the British interest, and therefore earnestly recommended it to the governor, that, when passed, it might be carried effectually into execution. And, lastly, that, as the season required the present attendance of many of the members at their plantations, they proposed to re-adjourn themselves to the same time as before, when they hoped the governor would find himself enough at leisure to meet them at Philadelphia."

Thus ended this session of four days. The prohibitory law was passed by the governor at Harris's Ferry; and, when they met again, they received from the secretary two other messages from the same place; one designed for their farther amusement at their last sitting, but which arrived half an hour too late, and the other for the present.

According to the former, "the governor had received letters from the Governors Dinwiddie and Sharpe, giving an account of the miserable condition of their frontier, and the danger they were in from the enemy, who had penetrated as far as Winchester in Virginia. He had thereupon redoubled his diligence for the better securing the most exposed part of their own; but he was still fearful, that, for want of a sufficient force to take the field, the garrisons on that side would not be able to keep off the numbers of the

enemy, which, there was the greatest reason to expect, would soon appear in those parts; so that no time was to be lost in preparing, in some more effectual manner, for their defence."

According to the latter, "All the despatch he had been able to make in his works had not brought them to such a forwardness as would permit him, without prejudice to that important part of the public service, to be in town at their meeting. He had, however, the satisfaction to tell them, that he had made a lodgment in a very secure place upon the river, beyond the Kittatinny Hills (the place from whence, it must be recollected, he fired his first beacon to alarm, or rather distract, the province.) The secretary would lay before them a letter from Governor Sharpe, with the extracts of an act of his government for granting forty thousand pounds for his Majesty's service; only twenty-five thousand pounds of it was conditional [so that conditional acts were regular in Maryland, though not in Pennsylvania,] that Pennsylvania and Virginia contributed their reasonable quotas towards the expedition it was granted for. They must be sensible there would be no peace or safety for them, [his old argument] unless these western colonies united their strength in making a well-concerted push to dislodge the French from their encroachments; and that no time was so favorable as when his Majesty's forces and those of the eastern colonies were employed against them to the northward. It was therefore to be taken into immediate consideration, and he was to be enabled to give Governor Sharpe the expected assurances, that Pennsylvania would, for its own sake, contribute accordingly."

A complaint from Commodore Spry, that he was in great want of seamen for his Majesty's ships under

his command, and that he expected a supply from those colonies, brought up the rear, with a requisition, "that he might be enabled, by bounty or otherwise, to raise and send him as many as the province could spare, which would be a very seasonable and acceptable service."

In conformity to so pressing and plausible a message, a money bill was immediately ordered, and some progress was made therein. But, advice having been received from Sir Charles Hardy and Sir William Johnson, that the Delawares and Shawanese had promised to cease from hostilities, and were disposed to renew and strengthen their alliance and friendship, and the governor (Morris) having caused a suspension of arms to be proclaimed thereon, they contented themselves with assuring him, "that he should not fail of the necessary support in the prosecution of such measures as might tend to bring this good disposition of the said Indian tribes to a happy issue; and with recommending it to the commissioners of the sixty thousand pounds act, to concur with the governor in furnishing such supplies of money as might be necessary thereto." They also again put the governor in mind of the Indian-trade bill, so often recommended to him before, urging, "that it might be of great service at that juncture, by bringing such of our Indians as had never been joined with, and desired to be distinguished from, those who had committed the outrages on the back settlements, under the immediate inspection and care of the government, by supplying their necessities on the easiest terms, securing their affections, and inducing others to come in for the same beneficial considerations."

A promise to reconsider it, this drew from him; but, as if he had resolved to set his own price on such a service to the province, he put them in mind, by a

message the same hour, "That, though the trouble and expense of administration had been considerably greater than in any former time, no sums had been granted for his support since their first session; and he therefore desired they would take this matter into consideration, and make such provision as was agreeable to justice and the practice of former assemblies."

What the governor's case was with respect to revenue, and what the merits of his service, may be collected from the sheets already before us; so that it will be enough in this place to say, that the assembly could turn a deaf ear as well as he; and that, he having given them to understand, in his message concerning Sir Charles Hardy's intelligence, and the suspension of arms, that he had called the assembly of the lower counties to meet him on the 4th of June, in order to render the late embargo permanent and effectual, by prevailing with them to pass a law to the same effect, and that he imagined his absence for three or four days would be no interruption to their proceedings, they adjourned themselves to the 28th.

Before they separated, however, which deserves notice, six members requested leave to resign their seats, for certain reasons by them specified in a paper presented to the House at the same time. And it was, after consideration, resolved thereon, that, in case they continued in the same mind after the adjournment, and delivered the said paper into the hands of the Speaker [in proof thereof], their seats should be deemed vacated accordingly. They did continue in in same mind, and delivered the following paper as proof thereof.

"May it please the Speaker and the House,

"A few days since we communicated to the House

our inclinations to resign our seats, in which the House appeared disposed to favor us.

"This repetition of our continuing in those intentions does not proceed from any design of involving the House in unnecessary trouble; but, as many of our constituents seem of opinion, that the present situation of public affairs calls upon us for services in a military way, which, from a conviction of judgment, after mature deliberation, we cannot comply with, we conclude it most conducive to the peace of our own minds, and the reputation of our religious profession, to persist in our resolutions of resigning our seats, which we accordingly now do; and request these our reasons may be entered on the minutes of the House."

The Speaker hereupon sent an order to the secretary, being the proper officer, to issue writs for so many re-elections, who thought fit to refuse obedience, the governor being of opinion, that, though there was an express provision by law for filling a vacancy occasioned by wilful absence, there was none for a vacancy occasioned by resignation. Upon which the Speaker, by the advice of such members as were then in town, issued his own writs, founded on the same law, from whence the governor derived his objection. These writs the sheriffs obeyed, what instances soever they might have been importuned with to the contrary; the freeholders exercised their rights of electing in pursuance of them; the returns were made in the usual form; and the House resolved *nem. con.*, that the members so returned had been duly elected.

Thus the breach was closed as soon as it was opened; and, whatever view the governor had to serve by his opposition, he neither did himself or views any service by it.

CHAPTER XVI.

Lord Loudoun appointed Commander-in-chief in America. The Excise and Indian-Trade Bills. An Act for emitting Four Thousand Pounds in Bills of Credit. An Act for striking and issuing the Sum of Forty Thousand Pounds for the King's Use. An Attack apprehended from the Indians. A Bill to permit the Exportation of Provisions for the King's Service. Petition of the Merchants in Relation to the Embargo. Differences between the Governor and the Assembly. Message concerning Indian Affairs, and the Expense of conducting them. A parting Compliment from General Shirley to the Province.

His message, introductory to the business of the session, contained a notification of the King's having appointed the Earl of Loudoun commander-in-chief of all his forces in America, with two regiments of foot, a train of artillery, stores, &c., and commanded him, the governor, to give his lordship and the troops all the assistance in his power; particularly to recommend it to them, to appropriate such part of the funds already raised, or to be raised, for the public service, so as to be issued as his lordship should direct. As also of another circumstance altogether new in the British constitution; namely, his Majesty being enabled by act of parliament to appoint a number of German, Swiss, and Dutch Protestants to be officers of a regiment to be raised, and called the Royal American Regiment; * as also of another particular recommendation which he

* This American Regiment was to consist of four thousand men. It was to be composed of whatever Protestants the colonies could furnish, and, according to the first plan, was to have been commanded by none but foreign officers; but this plan having been objected to, some abatements were admitted, namely, that the foreign officers should not exceed one half of the whole number; that room should be left for some Americans; that the commander should be always a natural born subject, &c.

was enjoined to make to them, that the masters of such indented servants as should engage in the King's service, might be indemnified out of the funds raised for the public service. And the nature of this review requires, that the sequel of this message should be given in the governor's own words, which were as follows, to wit;

"His Majesty has further commanded me to recommend it to you, to pass effectual laws for prohibiting all trade and commerce with the French, and to prevent their being supplied with provisions; and as the law lately passed here for an embargo will, by the expiration of the act for that purpose passed in the lower counties, end on the 7th of July, I hope you will prepare a proper bill for continuing an embargo, so necessary for his Majesty's service, and the safety of these colonies, for some time longer.

"The secretary will lay before you extracts of the Secretary of State's letters to me, relating to the matters now recommended, and I hope you will without delay enter upon the consideration of them, and comply with his Majesty's expectations.

"The money heretofore given for the King's use will be very soon expended, and I shall in that case be under a necessity of disbanding the troops raised for the defence of the province, and of destroying or abandoning the several forts erected upon our frontiers; I must therefore desire you will grant such further supplies as the present situation of our affairs requires."

To the clause relating to the embargo, the House ordered an immediate answer to be prepared; in which, having told him what he could not but know before, "that they had already done what was now required of them, by a law still in force, and which would have so continued till August 4th, the time limited by the law

of New York, provided the three lower counties had also passed a law conformable thereto," they proceeded in these words;

"As provisions might be exported from this province through those counties, not subject to our laws, and great quantities are raised there, we were fully apprized that any restraints we could lay upon our exportations here would by no means put a stop to the supplying the French with provisions, unless that government prohibited the exportations from thence also; we therefore limited the continuance of our act accordingly, and we must own the astonishment we were under, when we found the governor had enacted a law there, invalidating the acts of the other colonies, by limiting the continuance of their act to one month only.

"As our act prohibits the exportation of provisions in conformity with the law of New York colony, with which New Jersey, we understand, has also complied, the governor cannot think it reasonable, that the colonies of New York, New Jersey, and this province should be deprived of their laws by an act of the government of the three lower counties; therefore, as that act was passed by the governor himself, we presume, instead of applying to us upon this occasion, he will think it his duty to call the assembly of the three lower counties, to whom it belongs, to continue their law to the time limited by the other governments.

"It is well known that Maryland raises great quantities of wheat, pork, and other provisions, and yet, as we are informed, their ports have hitherto continued open to the exports of provisions from thence; the governor will therefore judge the necessity of recommending a prohibition there, without which, we apprehend, the acts of the northern and eastern colonies must prove ineffectual."

The bill of supply, already before the House, was, in the next place, resumed; and, to clear the way as they went, a new message was sent to the governor to know, whether he had come to any resolution on the excise and Indian-trade bills; to which in effect he answered, that, as to the latter, he thought his amendments to it so just and reasonable, that he could not, therefore, recede from them; and, as to the former, that he had added a clause by which the money to arise by it was to be disposed of in such a manner as the governor and commander-in-chief, and, in case of his death or absence, the president of the council and the assembly should direct; adding, "this manner of disposing of the public money appears to me most conducive to the general interest, and you will observe, by an article in the proprietary instructions to me, which I send you herewith, that I am restrained from passing any bill of that nature without such an appropriating clause."

And this instruction was delivered in the terms following, to wit;

"You shall not give your assent to any law for prolonging the present excise, or laying any other excise, or raising any money on the inhabitants of the said province of Pennsylvania, unless there be an enacting clause, that all money arising from the said excise, or other duties, shall be disposed of only as we or either of us, exercising the office of governor, or the lieutenant-governor, or, in case of his death or absence, the president of the council, and the house of representatives, for the time being, shall direct; and not otherwise."

Thus the great proprietary secret, so long suspected, so long and so cautiously preserved, and which had operated so mischievously and dangerously, not only to the province of Pennsylvania, but all the provinces adjoining, was at last acknowledged; and it thereby

became undeniable, that, under such a commission, enforced by a penal bond upon the holder of it, neither the province could be protected, the King served, or the interest of the community maintained, unless the freemen parted with their birthrights, and the special confirmations of them contained in their charter.

And it is equally to be wondered, that any two subjects in the King's dominions should presume to exact such concessions from their fellow-subjects as his Majesty himself neither has, nor makes any claim to; and that any gentleman should submit to serve them on such equally tyrannical and servile terms.

The resolutions of the House hereon were worthy of the occasion, and, as such, are equally worthy of having a place in this work.

"Resolved, that it is the opinion of this House, that the said proprietary instruction was the principal, if not the only obstruction to the passing the several bills offered to the governor by the last assembly for granting money for the King's use.

"That the act for laying an excise on wine, rum, brandy, and other spirits, passed in the year 1744, and the act granting five thousand pounds for the King's use, passed the 24th of June, 1746, by which the said act for laying an excise on wine, rum, brandy, and other spirits, was continued for ten years next after the 1st day of June, 1746, have received the royal approbation.

"That acts laying an excise on spirituous liquors have been found necessary for defraying the charges of government, and have been continued within this province for more than thirty years; and that the governor's not passing the bill presented to him for continuing the excise, upon the terms of all our former acts, repeatedly approved of by the crown, from an

apprehension, that he is restrained by the said proprietary instruction, is evasive and frivolous, and an infringement of our just rights; and, that, as deputy-governor of this province, he has, or ought to have, full powers to give his assent to all such bills as we have an undoubted right to offer.

"That the said instruction 'is not calculated to promote the happiness and prosperity of this province, and is inconsistent with the prerogative of the crown, and the liberties of the people;' and that all proprietary instructions, not warranted by the laws of Great Britain, are illegal and void in themselves; nevertheless, if the governor should apprehend himself bound by such proprietary instructions, they may prove ruinous to the province, and of dangerous consequence to the British interest in America.

"That the House do adhere to the bill for continuing the act for laying an excise on wine, rum, brandy, and other spirits, as it now stands, without admitting the governor's proposed amendments thereto."

It now also became apparent to the province, that even the boasted free-gift of the proprietaries of five thousand pounds, was not to be obtained but as it could be collected out of the arrears of their quit-rents; and that, it being impracticable to collect such a sum fast enough to answer the public demands, the deficiency could no otherwise be made good than by act of assembly for striking the sum of four thousand pounds, remaining due on the proprietary order, in bills of credit, to be sunk out of the growing payments as they should come in. This, in short, was the favor applied for on their behalf by their receiver-general, who declared, at the same time, that he had consulted the governor on this head, who had expressed his readiness to concur with the House in a reasonable bill for

that purpose; not directly to the assembly, however, was this favor applied for; nor as a favor to the proprietaries; that would have been beneath the proprietary dignity; but by the interposition of the commissioners of the sixty thousand pounds act. The assembly nevertheless gave way to the expedient; the receiver-general had leave to bring in a bill for the purpose; and the same, with a different preamble, was passed and sent up to the governor. The difference is this. In the first, the reason assigned for the bill was to this effect; "Whereas the proprietaries have been pleased to make a free gift of the sum of five thousand pounds towards the public charge, &c. whereof their receiver-general had as yet been able to pay but one thousand pounds. To the end, therefore, that the good intentions of the proprietaries in the said gift may be fully answered, and the public may receive the immediate benefit thereof, Be it enacted," &c. In the second, care was taken to specify, that the said sum was to be applied towards the public charge, and was given in consideration of their [the proprietaries'] being exempted from the payment of their taxes towards raising the sum of sixty thousand pounds.

On the same day that the bill was thus sent up, namely, the seventh after their meeting, they also sent up a money bill, for granting the sum of forty thousand pounds for the King's use, and for striking the said sum in bills of credit, and to provide a fund for sinking the same; and, upon the receipt of the said bill, the governor was pleased to say, "That he would give it all the despatch in his power, but that he could not say when the House might expect to know his result thereupon, as he was that day going to Newcastle, in order to meet the assembly of the three lower counties."

Notwithstanding which, the two members, to whom

he thus expressed himself, were no sooner withdrawn, than he sent after them another message to the House, signifying, "That, by intelligence he had received from two Indians, two days before, the western Indians were forming themselves into a body in order to attack the province about the time of harvest," &c. Adding, "If, upon consideration of this matter, any other measures are necessary for the public safety, you will enable me to take them."

Thus, harlequin-like, he could play contrary parts in the same interlude. If a supply was not given without delay, the troops were to be disbanded, the forts destroyed, and the frontier consequently laid open; and yet, with a supply in his hand, he could deliberately go upon another service; at the same time he could also communicate intelligence of additional dangers; and yet, with the same supply in his hand, he could insinuate want of ability to withstand them.

The assembly, in fact, told him, in reply to this message, that in case he passed their bill, he would find himself sufficiently enabled to take every measure that might be necessary.

What is farther remarkable, a merchant of Philadelphia, who had supplied the garrisons in Newfoundland with provisions for six years, and who had now a vessel in the port freighted with the same, could not obtain a clearance; the governor and council being unanimously of opinion that, because of the late act to prevent exportations, no such clearance could be granted. A member of the House, who, by order from the navy-contractor at Jamaica, had, in like manner, freighted a ship, met with the same difficulty under the same pretence. Both made their application to the House for relief; and it was not only resolved, that the said act was of the same tenor with that of New York, and never

intended in any wise to restrain the exportation of provisions for his Majesty's navy and garrisons, nor could, in their opinion be so understood, except by the most forced construction thereof; but also, that, to prevent any ill consequences which might arise from such interpretation, a bill should be immediately prepared at the table for expressly permitting such exportations.

This bill, when finished, was sent up to the governor, who promised to give it all the despatch in his power; and was followed by another for a longer continuance of the embargo act, with a similar clause of explanation; upon the presenting of which, the governor, being asked, by order of the House, whether he had come to any determination upon the former, answered, "that he had read but not considered it." And, being farther pressed on the necessities of the service, according to the allegations above specified, said, "that, in case the legislature of the three lower counties did not continue the embargo, the same would expire in a few days, and then there would be no necessity of the said supplementary act; and if the embargo act of the three lower counties should be continued, he would have it in his power to permit vessels laden with provisions or stores for his Majesty's service to sail at any time, by the bill the House had sent him for that purpose."

Thus the two ships were to be continued in port, to wait the good pleasure of another government; and the interval was to be lost to the service, unless the owners found ways and means to accommodate matters with the governor.

The House, however, plied him with another message, and received such another illusory answer; they also again put him in mind of the forty thousand pounds supply bill; and were told, (notwithstanding his press-

ing message at the opening of the session,) "That he had not read it through, but that he thought it stood in need of amendments." He also told the two members employed upon that occasion, "He was just then setting off for Newcastle;" and they acquainting him farther, "That, as it would be extremely inconvenient to the country members, to continue sitting till his return, and as there was no business depending of any importance, but what lay before the governor, they had thoughts of adjourning that day (being July 5th) to the 2d of August, by which time the harvest would be nearly over," his answer was, "That he had no objection to their adjourning over the harvest, and that he approved of the time proposed."

And the House, on the return of their messengers, having first resolved, "That any ill consequences which might attend the governor's not passing their supplementary bill (for exporting provisions for the King's service notwithstanding the embargo) would not lie at their door," did adjourn accordingly.

After all which, on that very day fortnight, (July 19th,) in the very midst of the harvest, did this worthy governor oblige the members, by special summons, to meet him; the occasion of which is thus set forth in his message to the House of that day, to wit;

"Gentlemen, at your instance, I called the assembly of the lower counties, and pressed them to continue the prohibition of provisions and warlike stores to the time limited by the laws of New York and Jersey; but they chose only to continue it till the 20th instant, and from thence for so long time as the legislature of this province should pass or continue a law for the like purposes, provided the same did not exceed the 22d day of October next. I am thereby laid under the disagreeable necessity of calling you together at this busy

season, in order to have the embargo continued for the same time that it is in the provinces of New York and Jersey; and, as the acts of assembly passed for the prohibition of provisions and warlike stores will expire with to-morrow, I hope you will immediately enter upon this matter, and give it all the despatch the nature of the thing requires. The secretary will lay before you a copy of the act of the lower counties, and you will, by proper clauses in the law you may think it necessary on this occasion to propose, leave me at liberty to send supplies to such of the King's ships and forces as may be employed in any part of America, and to put the trade of this place, while the embargo lasts, upon the same footing it is in the other bread colonies."

And the very next day the merchants, owners, and masters of vessels, then lying in the port, presented a petition to the House, "setting forth the damages and losses they had already sustained, for want of being allowed proper clearances; as also the disadvantages, discouragements, and losses which the whole province would* specially and unavoidably be liable to, in case the embargo was to be continued for a longer time, than by the late law was provided; recommending bonds with sufficient penalties, to be discharged only by the certificates of the British consuls residing at such foreign ports, as the several vessels and cargoes were entered for, and consigned to, as the only proper expedient to answer the ends proposed by such laws, without destroying their trade, on which the well-being of the province depended; and requesting such relief and assistance in the premises as they, in their wisdom,

* Boston having little of provision to export besides fish, which was excepted by their act; New York having a tolerable market, because the forces took off a great part of their product; and Virginia and Maryland having had their ports open all this time.

should judge most expedient; as nowise doubting their ready and hearty disposition towards the general good and service of their country."

Fruitlessly dismissed, and impertinently reconvened, as the assembly had been, within so short a time, a warm expostulation was the least that could be expected upon it; and yet the warmth they showed was by no means equal to the provocation they had received; but, on the contrary, was at once so moderated and justified, that their worst enemies could not derive the least pretence of reproach from it.

Facts were in their favor; and a mere recapitulation of them was all that was necessary to show how unworthily they were treated; which will account for the insertion of their answer to the governor in this place at large.

"May it please the Governor,

"On the 4th of May, 1756, the legislature of New York passed an act to revive an act, more effectually to restrain the exportation of provisions and warlike stores from that colony, to be in force for twenty-one days; and, after that time, to such time as the legislature of New Jersey and Pennsylvania should pass acts for like purposes; provided those acts did not exceed three months from the passing of that act, which was from the 4th of May to the 4th of August next ensuing.

"Sir Charles Hardy having recommended to our governor, that he should lay before the assembly of this province, the necessity of enacting a law of the same tenor within this government; and the House being convinced, that such an act would be totally useless, unless the three lower counties of Newcastle, Kent, and Sussex (not subject to our laws) were included, passed an act, on the 13th of May, of the same tenor, and nearly

in the same words, with the act of New York, to be in force till the 7th of June, and from thence for so long time as the legislatures of the colony of New Jersey, and the counties of Newcastle, Kent, and Sussex upon Delaware should respectively pass laws for the like purposes; provided they exceed not the time limited by the law of New York government.

"On the 29th of May, the legislature of New Jersey passed an act, to be in force from the 1st day of June to the 1st of August, and from thence for so long time as the legislatures of the colonies of New York and Pennsylvania should respectively pass laws for the like purposes, provided they did not exceed three months from the said 1st day of August.

"This being the state of the laws laying an embargo on the exportation of provisions and warlike stores; first, by the colony of New York on the 4th, then by this government on the 13th, and by New Jersey the 29th of May last; it is most unkind, and, give us leave to say, in our opinion, unbecoming the dignity of government, that in the governor's last message he should not take the least notice of any law being ever passed by us for laying any embargo within this port, but only mentions his having pressed the assembly of the lower counties 'to continue the prohibition of provisions and warlike stores, to the time limited by the laws of New York and Jersey,' as if no such law had ever been passed by himself within this province! What purpose such a conduct towards us is to answer, the governor best knows. But when he proceeds, in his said message, to propose to us, 'to have the embargo continued for the same time that it is in the provinces of New York and Jersey,' we must confess we are entirely at a loss to know what the governor would mean; our present act coming precisely within the governor's

recommendation; being made in compliance with the law of New York. If the lower counties have not complied with those terms, it is not to be imputed to the assembly of this province, who have fully discharged their part to make the embargo effectual.

"We entreat the governor to consider and reflect on the share he has had in the laws of the lower counties, passed by himself, which seem calculated to give this House unnecessary trouble to no good purpose whatever; for now, when he has thought fit to call us together in the height of our harvests, our servants generally taken from us, and the country in want of laborers, what has the governor been pleased to propose, but to pass an act to continue the embargo 'for the same time that it is in the provinces of New York and Jersey,' which is the tenor and limitation of our present act, it being to have continued (had the lower counties passed their acts in conformity with the laws of New York, as this province and New Jersey had already done,) to the fourth day of August. And as New York has not extended their act, that we know of, (which will probably become unnecessary on the proclamation of a war with France, now daily expected,) any new act we could make would only be to continue the act of this province to the time it was to continue; which is such an absurdity as we presume on reflection the governor will not insist upon.

"But that no time might intervene, whereby the French might be supplied with provisions or warlike stores from this province, we, at our last sitting, put into the governor's hands a bill 'to continue the act for preventing the exportation of provisions, naval or warlike stores, from this province to Cape Breton, or to any other the dominions of the French King, or places at present in possession of any of his subjects,' to

prevent, as much as lay in our power, any deficiencies which might arise from the conduct of the assembly of the three lower counties, if they should think fit to invalidate the acts of the other colonies for laying a general embargo.

"At the same time we also sent up a bill, entitled, 'A supplementary act to a law of this province, entitled, An act for the more effectual obstructing the exportation of provisions and warlike stores from the province of Pennsylvania'; which bill, if the governor had passed it at the time it was sent to him by the House, or if he should hereafter be pleased to give his assent thereto, would prevent all doubts, and give full liberty to send supplies 'to such of the King's ships and forces as may be employed in any part of America'; and we have never endeavoured to put the trade of this place, where the interest or dignity of the crown is concerned, on any other footing than it is in the other colonies."

The two members, appointed to wait upon the governor with this paper, were also charged with the bill for striking four thousand pounds in bills of credit on the proprietaries' account, and to acquaint him thereon,

"That the House think it highly necessary, that there should be some preamble to the said bill, otherwise those, who are not particularly acquainted with our affairs, may imagine that the proprietaries have thereby given four thousand pounds over and above the five thousand pounds specified in the act for granting sixty thousand pounds to the King's use; the House therefore propose, that, since the governor is averse to having it mentioned in the preamble, that the said five thousand pounds was given by the proprietaries in consideration of their being exempted from the payment of their taxes towards raising the aforesaid sum of sixty

thousand pounds, although the same is expressly declared in that act, without any objection having been made thereto by the governor, at the time it was passed, they will leave out the first clause of the preamble, and instead thereof insert the following clause, viz.

"Whereas, the honorable proprietaries of this province have been pleased to make a free gift of the sum of five thousand pounds, for the purposes and in the manner particularly set forth by an act of general assembly of this province, passed in the twenty-ninth year of his Majesty's reign, entitled, 'An act for granting the sum of sixty thousand pounds to the King's use,'" &c.

The governor, after reading the message, was pleased to answer,

"That he believed the House had misunderstood his message; that he had no intentions of disobliging them, and that he was sorry to see they had taken any offence; however, as he was about leaving the government, he should not return any answer to it; and that, as to the bill for striking four thousand pounds, to be replaced by the proprietaries' receiver-general, he thought the House gave a good reason why there should be some preamble to the said bill, and that he would take the one proposed into consideration."

The result of which consideration was, the sending down another preamble in lieu of the first, specifying the free gift, but dropping the consideration of exemption, without taking any notice at all of the last; which other preamble was unanimously rejected on the first reading.

That they were still willing to pass the bill with their own second preamble, they, nevertheless, informed the governor; and, in the same message, they also desired to be informed, "whether he had come to any resolution

concerning the excise bill, and the forty thousand pounds bill for the King's use." And here the affair stuck; the governor remained mute, or at least only answered the two latter parts of the message, without taking any notice of the former. "The excise bill," he said, "he neither could nor would pass;" and, as to the forty thousand pounds bill, he sent it down so amended, by leaving out the clause for taxing the proprietary estate, as again rendered the session abortive; the House resolving to adhere to their bill as sent up, without admitting his said amendments.

So that, after all the parade which had been made both there and here of this prodigious gift, the province was either to receive it in so pedling a way, as rendered it in a manner useless; or else, though they took it upon their own credit, to release the donors in effect of all future claim, by consenting to drop the terms on which alone it could be consistently accepted.

What is farther remarkable, during the course of this interchange of messages, one from the governor concerning Indian affairs was sent to the assembly, which was altogether irreconcilable with that which he had sent them sixteen days before. It will be recollected, that, on the 5th of the current month, July, the western Indians, in contradiction to the advices received from Sir Charles Hardy and Sir William Johnson, were to fall on the province in time of harvest; and now on the 21st, in conformity to those advices, such of the said western Indians, as had attended the conferences between the Six Nations and the said Sir William Johnson, had not only laid down the hatchet, but also engaged to follow the example of the said Nations in assisting us against the French. Nor was this all; a number of the Susquehanna Indians, and Teedyuscung, a king of the Delawares, had discovered so good a

disposition to return to their alliance and former friendship with us, that nothing was wanting but an interview between him (the governor) and them, and a proper provision for the expenses thereof, and the fulfilling such engagements as the present exigencies might require.

Such were the tidings now imparted, with an assurance, that he should therein have a particular regard to the honor and safety of the province.

To the province nothing could be more agreeable than such tidings; nor could any service be named in which they would have laid out their money more willingly; but their public stock was exhausted, and, by the several negatives put upon their bills, they were disabled from raising more; consequently, were as much distressed now for the means of making friends, as before for the means of defending themselves against their enemies.

What sum would be sufficient, was the first question. The governor being consulted on that head, answered, "That he had made no calculation; but it seemed to him, that about four or five hundred pounds might serve; though the expense would be the greater, as he should be obliged to have a body of soldiers for his guard." The commissioners of the sixty thousand pounds act were next advised with; and upon the issue of all, they made use of this incident to lay a brief state of their case before the governor in the usual way of message; in which, having expressed their satisfaction in the news imparted, they proceeded as follows, viz.

"And in this critical juncture, when a happy issue of a treaty with the Indians must be of so great advantage to the proprietary interest, as we apprehend the present treaty must be, we cannot suffer ourselves to doubt their willingness to contribute towards the heavy

expenses the province groans under for Indian affairs; especially considering the governor has just now refused to pass our bill for granting forty thousand pounds to the King's use, because the proprietary estate was therein taxed, in common with all the other estates in this province, for their mutual defence; and has also refused to continue our excise act, some time since expired; so that the province is greatly indebted, and our only remaining fund reduced to the lowest extremity.

"Under these circumstances, we made application to the commissioners, appointed by the act for granting sixty thousand pounds to the King's use, to know whether any money remained in their hands, which might be applied to the present emergency; but we find, that the fifty-five thousand pounds, to be sunk by the provincial tax, is expended; that near four thousand (part of the five thousand) pounds, given by the proprietaries, in consideration of their being exempted from their share of that tax, is not paid into the commissioners' hands; and, if the whole sum was paid, the debts already contracted for the defence of the province are nearly equal thereto. Nevertheless, as we apprehend the treaty proposed to be held with the Susquehanna Indians, and the Delaware king, Teedyuscung, may be attended with lasting good consequences, we have resolved, that the sum of three hundred pounds be allowed by this House for that purpose."

The members sent herewith, were also to apprize him, that, if it was pleasing to him, they should adjourn to the 16th of August; and his answer was,

"That he should not engage for the proprietaries contributing any thing towards the expenses, that may attend the proposed conference; that, as the House had voted three hundred pounds for that purpose, he should wait at Easton or Bethlehem till the whole was

expended, then take his horse and ride away to New York to meet Lord Loudoun; and that, as to the time of adjournment, he should not say whether he was pleased or displeased with it, but leave it entirely with the House to do as they pleased."

A compliment from General Shirley to the province on his being recalled, acknowledging the "repeated instances of their contributing towards the defence of his Majesty's just rights and dominions, and to assure them of his hearty wishes for their welfare," without one civil thing to his brother governor, though the letter is directed to him, is the only thing remarkable of the session hitherto omitted; and, injuriously, wickedly, and impudently as the province has been aspersed, no voucher of that authentic nature can or ought to be dispensed with.

On the 16th, according to their adjournment, they met again; and the next day they were honored with the governor's message; which told them, in the first place, what they had long told each other before, namely, "that their treasury was exhausted; that the troops wanted their pay; that a supply was necessary," &c. The taking and burning of an out-fort on the Juniata, called Fort Granville, made a good terrifying ingredient in it; the rest was the stuff that he had talked over and over, till the ear was weary of hearing it; except that Major Rutherford, the commanding officer in that province of the new American Regiment then raising, wanted barracks for one thousand men; and that, his recruits being chiefly indentured servants, it would be necessary for the House to make provision for the payment of their masters for the residue of the time each had to serve, in conformity to his Majesty's instructions.

The next day the House sent up their reply, which was as follows;

"May it please the Governor,

"The House have repeatedly offered the governor bills for granting considerable sums to the King's use, to which he has refused his assent, being restrained by the proprietaries, as he says, from passing any bills in which their estate is to be taxed towards its defence. We know of no equitable way of raising such large sums as are now necessary, but by a general tax on all estates, real and personal. We have voted another sum of forty thousand pounds, to be raised in that manner, and are preparing a new bill to lay before the governor for that purpose. But, as we are, and must be still, of opinion, that the proprietary estates ought to be taxed in common with those of their fellow subjects in all the rest of the King's dominions, for their common defence, we cannot omit a clause of that kind in our bill, without injustice to the King's other subjects, ourselves, our constituents, and posterity; and we believe, that an equal number of men, of any sect, nation, name, or party, among us, will never be chosen to represent the province, who would be of a different sentiment in this particular.

"In the mean time, we earnestly request the governor would use his influence with the proprietaries' receiver-general, to induce him to pay the remaining sum of near three thousand pounds, yet behind, of their contribution of five thousand pounds, which by law was to have been immediately advanced, but is still withheld from the commissioners, to the injury of the poor soldiers, whose pay is in arrear for want of that money, the fifty-five thousand pounds we granted by the said bill for the King's use being expended.

"We are sensibly affected with the distressed state of our frontier inhabitants; though we apprehend they are in a much better situation than those of the neighbouring provinces, who are equally near the enemy; and we hope they may be rendered still more secure, by a vigorous exertion of the force now on foot for their protection and the annoyance of the enemy.

"The other matters recommended to us by the governor, we will take into consideration, and hope we may be able to do therein whatever ought to be expected of us."

CHAPTER XVII.

Governor Morris is superseded by Governor Denny. The new Governor complimented on his Arrival. His first Speech a Continuation of the old System. Parts of his Instructions communicated. A short Comment upon them. A Message to the Governor. The Governor's Answer. A Bill prepared for striking the Sum of sixty thousand Pounds for the King's Use, to be sunk by an Excise. A Conference on the said Bill. The Assembly's Answer to the Governor's Objections. The Governor's Message signifying that he would not give his Assent to it. Resolutions of the Assembly. A new Bill prepared and passed. A brief Apology for the Conduct of the Assembly on this Occasion. A Remonstrance voted. Conclusion; with a Testimonial of Commodore Spry, in Behalf of the Assembly.

THIS was the last parley between the assembly of Pennsylvania and Mr. Morris, who makes so notable a figure in their list of governors. Captain Denny, his successor, was at hand; and therefore he did not think it worth his while to compose a reply, which he might reasonably suppose nobody would think worth reading.

Change of devils, according to the Scots proverb, is blithsome!

> . . . . . "Welcome ever smiles,
> And Farewell goes out sighing,"

says Shakspeare.

The whole province seemed to feel itself relieved by the alteration of one name for another. Hope, the universal cozener, persuaded them to believe, that the good qualities of the man would qualify the governor. He was received like a deliverer. The officious proprietary mayor and corporation, more than once already mentioned, made a feast for his entertainment; and, having invited the assembly to partake of it, they also were pleased to become forgetful enough to be of the party.

That the said assembly should congratulate him on his arrival and accession (though the term is a royal one) was, perhaps, no more than a decent and respectful compliment; and that they should augurate, from the excellence of his character, that his administration would be excellent, a fair and candid inference. But that they should find six hundred pounds at that time in their treasury to present him with, as an initiation fee, may be matter of surprise to all readers of their votes alike. Tired they might be of opposition; pleased to find some pretence for relenting; but how they should find money, where no money was, would be beyond conjecture. The order, therefore, on their treasurer for that sum could only be considered as a present mark of their good will, and an obligation on the House to provide, in some future money bill, for the discharge of that order.

Compliments over, government began. And, in the new governor's very first speech, the province was given to understand, "that the French encroachments on the Ohio, which his Majesty, in his declaration of war, had assigned as the principal cause of his entering into a just and necessary war, were within the limits of it, [which the province could never yet be convinced of;] and that therefore it was particularly incumbent on them * to exert themselves in the support of such

* Had the French Fort really been within the bounds of the grant to the proprietor, that would not have made the support of the war more particularly incumbent on the assembly of Pennsylvania, than on any other neighbouring government, equally affected and incommoded by its situation. For the country was as yet uninhabited; the property of the soil was in the proprietors, who, if it could be recovered from the French, would demand and receive exorbitant prices for it of the people. They might as justly be told, that the expense of his law-suit with the proprietary of Maryland, for recovering his right to lands on that frontier, was particularly incumbent on them to defray.

measures as had been, or should be, concerted for carrying on the same with vigor; the state of the frontiers too, the devastations, cruelties, and murders committed there, and the horror they excited in him, made as good a topic in his hands, as the back counties and the back inhabitants had done in his predecessor's; nay, those very back inhabitants are brought forward in the next paragraph; and, what is more, left naked and defenceless to a savage and merciless enemy, by an immediate disbanding of the provincial troops, which, as before, was represented as unavoidable, unless fresh supplies were quickly raised for their support."

In short, if Mr. Morris had made the speech himself, he could not have carried on the thread of government with more consistency; for, as to the *douceur* at parting contained in these words, "Let unanimity and despatch prevail in your councils, and be assured I will deny you nothing that I can grant, consistent with my duty to his Majesty, and the rights of the proprietaries," it amounted to no more than this, Do as my masters the proprietaries would have you, and I will say nothing to the contrary!

It is not to be conceived, that men of such long experience in the affairs of the province (so the members of assembly were characterized by their new governor) could be one moment at a loss for the meaning of his speech, or what was to be apprehended in consequence of it.

They had voted a supply of forty thousand pounds before Mr. Morris was superseded. They did not sit, as usual, in the afternoon of the day the speech was delivered; and, though in the next day's deliberation they dropped the former bill, and ordered in another with a blank for the sum, they adjourned the day following, without doing any business at all; nay, though quick-

ened the next following with a message, accompanied with an extract of a letter from Lord Loudoun, as also several other letters and papers, (among the latter, one containing a letter from Colonel Armstrong, concerning some secret which was to be kept a secret still,) they demurred both that and three days more, before they came to any farther resolution; and then they agreed upon an address, by way of answer to his speech, in which, after a paragraph or two of compliment, they dryly gave him to understand, 1st, "that, from the very nature of their frontier, which was so extended that it in a manner covered the three lower counties, Maryland, and New Jersey, and consisted of dispersed settlements, the horrors he talked of could not be prevented; 2dly, that, as it was in a better state of defence than that of any of the neighbouring colonies equally near the enemy, they could not but hope the inhabitants would be equally safe; and 3dly, that, as great unanimity did prevail in their councils, they should, as far as lay in their power, consistent with their just rights, enable the governor to afford the people the continuance of that protection they so much stood in need of," &c.

They also accompanied the said address with the following message; which was obviously of the nature of a postscript, calculated to contain the business purposely omitted in the letter it belonged to.

"May it please the Governor,

"As soon as we heard and considered the governor's speech, and before we received his message with the letter from Lord Loudoun, we resolved to give a sum of money for his Majesty's service; demonstrating, by that readiness, that we are not insensible of our duty to the best of kings, nor of the necessity of enabling the

governor, at this critical conjuncture, to protect the people committed to his care.

"As former grants of this kind have been long delayed, or rendered ineffectual, by means of latent proprietary instructions, not communicated to us till we had spent much time in vain in forming our bills, we would now humbly request the governor to lay before us full copies of such of his instructions as relate to money bills of any kind, with the preambles or other parts that contain the reasons of such instructions; that we may, if possible, avoid all occasions of delay in affairs so important, and that our judgments may be informed of the equity or necessity of rules to which a conformity is required.

"From the governor's candor, and sincere desire to facilitate and expedite, by every means in his power, what is necessary to the public welfare, as well as from the reasonableness of the thing in itself, we have no doubt that he will favor us in granting this request."

The assembly was civil; the governor was artful. As he would not grant all that was asked, he resolved to be as forward as possible in performing as much as he designed. Thus, on the very day their request was made, he laid the instructions in question before them; being the eleventh, twelfth, and twenty-first articles of the proprietary instructions.

Of these, the first regards the interest money arising from the provincial bills of credit, and the money to be raised by excise; and, having by advance asserted a joint intention in the said proprietaries, and the House of Representatives, to have it applied for the public service, proceeds to ground upon that joint intention a title to an equal power over it; then forbids the governor to give his assent to any bill or act of assembly for emitting, reëmitting, or continuing any paper

currency, unless the whole of the interest money arising therefrom should be disposed of only to the very purposes to be specified in such act, or, where that could not be conveniently done, by the joint concurrence of governor and assembly for the time being. And the same prohibition is also extended to all excise laws, except the disposition of the money to be raised by them is also appropriated in the same manner.

The second, having admitted that a reasonable and moderate quantity of paper money tended greatly to the benefit of the province, as well as to the trade of Great Britain, and that the dangers of depreciation arose only from an over-great quantity, authorizes and empowers the governor discretionally, on proper inquiry made, and proper assurance obtained of the real utility of such a measure, to make an addition to the present currency of forty thousand pounds more; provided strict regard was had to all the limitations specified in the instruction foregoing; and also, that effectual care was taken, that all rents and quit-rents, due to the said proprietaries, should be always paid according to the rate of exchange at the times of payment between the cities of Philadelphia and London, by some sufficient provision in the very act itself, or some separate act, as was done in the 12th of the present King, when the farther sum of eleven thousand one hundred and ten pounds five shillings was issued.

And the third related to the proprietary estate; concerning which it asserted and maintained, 1st, That the said estate never had been taxed. 2dly, That, over and above such exemption, several acts were passed, giving to the said proprietary a support by duties and other impositions. 3dly, That, since the expiration of those laws, no aid had been given to the proprietaries, as such; notwithstanding which, they had,

on several occasions, shown their regard to the public service, by voluntarily and cheerfully expending several considerable sums of their own money for the advancement thereof, although no provincial tax had been laid upon the people within their time, till the last year; so that, not having any reason to suspect the assembly would deviate so much from the ancient usage, as to pretend, by any act of theirs, to charge their estate with the burden of any taxes, they had therefore given the preceding governor no particular instructions on that head. 4thly, That the assembly, taking occasion of the troubles of America, had represented them in a very untrue light, as unwilling to assist the public by contributing to the defence of the country, though no application had been made to either of them for that purpose. 5thly, That the bill they had prepared and sent up for raising fifty thousand pounds for the King's use, by a tax of twelve pence per pound, and twenty shillings per head, was a bill of a most unjust and extraordinary nature; inasmuch as the estates of the proprietaries were not excepted, but, on the contrary, the assessors were to acquaint themselves with, and procure, the amount of their estate in quit-rents, and in the same manner as other estates were assessed and taxed in the respective counties, by virtue of the said bill; as the said twelve pence were laid on the whole value or fee-simple of every estate, which, supposing the same computed at twenty-five years' purchase only, was a quarter part more than the whole gross rent, without allowing for any charges or repairs; as it was contrary to the royal charter, which required land-tax bills, as well as other bills, to be consonant to reason, the laws, statutes, and rights of the kingdom, &c., not repugnant to them; as so heavy a tax was not necessary to be laid for the raising such a sum, which might

have been raised many other ways; as calculated for the purpose of putting it in the power of persons wholly chosen by the people to tax their estates up to their full value, and to ease other persons, by taxing them so lightly, as only to make up what might afterwards be wanting to complete the said sum; as the taxing of unimproved lands, yielding no rent or profit to the owner, was highly unreasonable, and contrary both to the practice of Great Britain, and the laws and statutes thereof; as, according to the best inquiries they could make, neither the quit-rents reserved to the crown, or the proprietaries of any other colonies, had ever been taxed towards the raising any supplies granted in those colonies, quit-rents in general being indeed so small, that little or no land-tax would be payable out of them, even in Great Britain, where land-taxes are annual; and as the grantees and owners of such farms and plantations, out of which such very small acknowledgments were reserved to them, did, in case of a land-tax, pay for the value of such their said farms. 6thly, That, though their deputy-governor did refuse his assent to the bill, on the assembly's refusing to exempt their estates, they were so far from desiring not to contribute to the defence and support of his Majesty's rights and dominions, that, immediately on the first notice sent them of Braddock's defeat, they sent over an order to their receiver-general, to pay out of the arrears of their quit-rents the sum of five thousand pounds, as a free gift towards the defence of the province, desiring all disputes might cease, and that the governor and assembly would join together in measures to oppose the common enemy. 7thly, That the said sum of five thousand pounds, so by them given, was, according to their belief, twenty times more than the tax upon all their estates there, if

truly and proportionably rated, according to the value of all other estates, would have amounted to, for raising a sum of fifty thousand pounds. 8thly, That another bill of the same unjust nature, for raising fifty-five thousand pounds, by a tax of sixpence in the pound on the clear value of all estates, (theirs excepted in consideration of the said free gift,) their then lieutenant-governor, not being provided with particular instructions with respect to such bill, and because the money was then requisite for the defence of the province, gave his assent to. 9thly, That they, tendering as they ought to do, the then exigency of affairs, and the necessity of a supply, did not make any application to his Majesty for his royal disallowance of the said act, as at any other time they should have done. 10thly, That the assessors appointed by the assembly in both the said bills were few in number, chosen by the people only, and not one by them; and, though incapable of knowing the true value of the several estates, so to be rated and taxed, were made final and absolute judges without appeal. 11thly, That, by laying so great a tax to raise so small a sum, the said assessors had it in their power to commit great irregularities, in taxing some estates to their utmost value, and easing others, which would be unequal and unjust, and was so much the more to be feared, because they, the proprietaries, had been informed, that, in assessing the ordinary county levies on the like plan, many persons, instead of being rated at their full worth, had not been rated at a fiftieth part of it.

All these several articles (here stated in their full force) are introduced with a "Whereas" at the head of each, and all implicated in one embarrassed, immeasurable period; to which is tacked the instruction itself, with the following preamble.

"And, whereas the said assembly appear to us to have been inclined, not only to load and burden our estates with taxes by their authority, directly contrary to former usage, but even to charge the same disproportionably, and in an unequal manner, in order to ease the estates of others, which is a measure we are by no means willing to consent to; and, as the present invasion of his Majesty's American dominions may make it necessary to raise further supplies for his service in our said province, the assembly may hereafter propose and offer bills or acts of assembly, to lay additional taxes on real estates there; you are, therefore, hereby required and directed not to give your assent to any bill or act of assembly of that sort, unless the act be made to continue for one single year only, and no longer," &c.

Here follows a variety of prescriptions and prohibitions; some plausible, some artificial, and all serving as a shoeing-horn to the great one of all, the exemption of the proprietary quit-rents, which was to be rendered as express as possible.

That, however, they may not appear altogether intractable, one concession is made towards the conclusion, which is worth more perhaps than they supposed, as it contains a tacit acknowledgment, that, in equity, they ought to be taxed like the rest of their fellow-subjects, and yet less than them, they would have it understood; such estates of theirs, as come within that description, not being like to produce such a sum as deserved to be made a provincial object; and the introductory part of the paragraph, as may be collected from the famous contest between them and the assembly concerning Indian expenses, justly drawing the whole into suspicion.

This is the paragraph. *Valeat quantum valere potest.*

"And whereas we are, and always have been, most ready and willing to bear a just proportion along with our tenants in any necessary tax for the defence of the said province, which shall be equally laid upon the lands of the inhabitants, and also upon any of our manors or lands which are actually let out on leases, either for lives or years, as being estates in some degree like to those of which the inhabitants are possessed; therefore you are at liberty to give your consent to any reasonable bill or act for that purpose, provided the tax to be paid for such our last-mentioned estates shall be payable by the tenants and occupiers, who shall deduct the same out of the rents payable by them to us."

It is remarkable, that, through the whole, the language is such as could indeed become none but an absolute proprietary; all dictatorial; all in chief, as lord paramount; as if there was no king in Israel, nor any interest worthy consideration, but the proprietary interest; as if there was no occasion for royal instructions, or as if it was impossible any such should interfere with theirs; and as if the provincial legislature was a nose of wax to be twisted into what shape they pleased.

Such were these instructions; and, as to their effect in the House, it was such as was naturally to be expected. They saw a controversy without end before them, productive, in its way, of all manner of calamities, public and private, and to be prevented or shortened only by a submission equally ruinous.

They saw this; and it threw them into agonies, though not into despair.

The first expedient they made use of was the following message to the governor.

"May it please the Governor,

"The House have taken into their most serious consideration the proprietary instructions relating to the passing of money bills, which the governor has been pleased to lay before us; and as we are fully convinced the present unhappy circumstances of this province require very large and immediate supplies, we have likewise considered the funds whereby such sums as we judge absolutely necessary for the security of the province may be sunk; but every thing we have hitherto been able to propose must be rendered in a great degree fruitless by those instructions, if adhered to.

"We therefore request the governor would be pleased to inform us, whether he does not apprehend himself at liberty, notwithstanding the said proprietary instructions, to pass such equitable bills as we may offer him, if consistent with his own judgment, and agreeable to such laws as have been enacted by his predecessors, and received the royal assent."

To this the governor answered;

"Gentlemen,

"I am very glad to hear the House have taken the money bills into their serious consideration, and the proprietary instructions on that subject.

"It would be with great reluctance, especially at this time, if I should differ in sentiments with the House of Representatives. You will be pleased to observe how I am circumstanced, and that I cannot recede from my instructions without risking both my honor and fortune, which, I am persuaded, you, Gentlemen, are too equitable to desire."

A bill for striking the sum of sixty thousand pounds,

in bills of credit, and giving the same to the King's use, and for providing a fund to sink the same, by laying an excise on wine, rum, brandy, and other spirits, was the result; ten thousand pounds of which were appropriated as the quota of the province to the general fund for the common service and defence of the colonies, and rendered subject to the orders of the Earl of Loudoun; ten thousand pounds to discharge the debt contracted by the province for the provisions, furnished for the expedition against Crown Point, which debt had been unavoidably incurred, and could no otherwise be discharged; no part of the hundred and fifteen thousand pounds, granted by Parliament for the colonies, having been allotted to Pennsylvania; and the residue, after paying such debts as had been contracted since the expenditure of the fifty-five thousand pounds, was destined for the current service, as the managers appointed by the said act, with the consent and approbation of the governor, and not otherwise, should direct.

When the said bill was presented to the governor, he made use of the answer of course, that he would give it all the despatch in his power; but afterwards he gave them notice by message, that difficulties had arisen, and that he desired a conference with a committee of the House, in order to a discussion of them.

A committee was ordered accordingly; at which (September 13th) the governor was pleased to express himself to the following purport, viz.

"That, although at the request of the House he had laid the proprietary instructions before them with the utmost candor, yet he was surprised to find there was a clause in the bill now before him, whereby the surplus money (if any) was to be in the disposition of the assembly, contrary to the said proprietary instructions; that the term for sinking the sum granted to the

King's use was too long, and would depreciate the value of the currency; that so long a time was contrary to the sense of the ministry, and the spirit of the act of Parliament, which restrains the eastern colonies from striking bills of credit for any longer term, even upon the most pressing emergencies, than five years only; that, in the report of the Board of Trade on the act passed by this assembly for granting sixty thousand pounds to the King's use, the chief reason their lordships urged, for not advising his Majesty to disallow that act, was the shortness of the time for sinking the same; and that there were many ways to sink the sum granted to the King's use, by the present bill, without extending the excise for so long a time."

At the request of the committee, he also gave them the heads of his objections in writing, namely;

"1. To the length of the term of twenty years for sinking the said sum, as it might endanger the entire loss of the currency, and as the Lords of Trade had assigned the shortness of the time prescribed in the sixty thousand pounds act, as their reason for advising his Majesty to give his assent to it. 2. To the disposition of the surplus money by the assembly alone. 3. To the subjecting the ten thousand pounds, given as a contribution to the general fund, to the order of Lord Loudoun only, and not of the Commander-in-chief for the time being. 4. To the application of any part of the money to the discharge of the ten thousand pounds given for the use of the Crown Point expedition, as the said sum was issued upon a fund already established."

His other objections, being of a less general nature, need not to be specified. And in the close of all, that he might be thoroughly understood, he farther chose to express himself as follows, to wit; "That he had had several applications made to him from the frontier,

requesting the aid of the legislature in their present distressed circumstances; that the eyes of the neighbouring colonies were upon them; and, above all, that the nation of England were in expectation of their granting the necessary supplies for the King's service; that he was sorry to find the first bill offered to him should be such as he could not pass; and that he hoped they would so conduct themselves, as that he might make a favorable representation of their conduct to his Majesty."

The House, on the other hand, having taken these objections into consideration, appointed a committee to collect the sense of the House in answer to them, which upon the report was approved, and sent up to the governor by the committee of conference.

And this answer, so far as regards the objections above stated, can be given in no terms so apposite as their own, viz.

"1. The House chose, at this time, an excise bill rather than a land-tax bill, to avoid any dispute about taxing the proprietary estate, and because, as it was a mode of raising money they were used to and understood, the bill might more speedily be formed and brought to effect, so as to answer the present pressing emergency; and being in the same form with a number of preceding excise bills, that had been passed by former governors, gone through the offices at home, and received the royal assent, they well hoped it might meet with no objections.

"The last time it passed, the term was ten years. No inconvenience arose from the length of that term. Could we have sunk the sum we wanted by the excise in that term, we should not desire to extend it. But we expect it will not yield more in twenty years than the sixty thousand pounds granted. The act of

Parliament made for the eastern colonies, is not in force here. Had the Parliament thought it fit, that this province should be governed by that act, they would not have excluded Pennsylvania out of the bill, as they actually did. Governor Hamilton had formerly offered to extend the excise to any term, during which we would load it with three thousand pounds per annum, granted to the crown. From whence we concluded the term of twenty years would not be objected to, sixty thousand pounds being granted.

"Other taxes or excises on other consumptions might possibly be laid, but we have no experience of them; they will require a time of more leisure to be well considered, and laws for collecting them properly formed, so as to be effectual, and not injurious to our trade. If this war continues, we may soon want them all; and the succeeding assembly may take those matters in hand immediately after their meeting, so as to have such new excises ready before the money now granted is expended; though we still think a well-proportioned tax on property the most equal and just way of raising money.

"If every man, who received our bills of credit in payment, was obliged to keep them in his hands till the end of twenty years, to be sure the length of the term would occasion a proportionable depreciation. But, they being a legal tender in all payments, and the possessor able to exchange them immediately for their value, it is not length of term, but excess of quantity, that must occasion their depreciation; and that quantity is by this bill yearly to diminish. Besides, the eighty thousand pounds we have out on loan is now to sink in the next six years, which will greatly lessen our currency, and consequently lessen the danger of the depreciation.

"If the quantity should prove too great, which we believe it will not, a subsequent act, laying excise or duty on other commodities, increasing the duty per gallon, raising it also from private consumption, or obtaining money by any other means for the public service, may be made, and the money applied to the more speedy sinking this sixty thousand pounds.

"2. There will probably be little or no surplus left to the disposition of the assembly. People now leave the province faster than they come into it. The importation of Germans is pretty much over. Many go from us to settle where land is cheaper. The danger attending frontier settlements will probably be long remembered, even after a peace may be restored. And, if our inhabitants diminish, the excise will be lessened instead of being increased. At its best, it produces, *communibus annis*, not more than three thousand pounds per annum.

"In former excise laws the assembly have had the disposition of the whole. They preserved the public credit; paid all public debts punctually every year; and have not abused the trust reposed in them.

"The instruction is not a royal but proprietary instruction, calculated to establish arbitrary government among us, to distress the assembly and people, and put it out of their power to support their complaints at home. It would, moreover, deprive us of a just right and privilege, enjoyed from the first settlement of the country.

"3. Lord Loudoun is a nobleman distinguished by the great trust the crown hath placed in him. We have likewise received a high character of his integrity and uprightness, which induces us to confide in him. The chance of war (which Heaven prevent) may, after several removes, give him a successor unknown to us. If

it should be found necessary and convenient before the money is expended, the governor and assembly can, at any time, by a little act, subject the remainder to the order of his successor, the Commander-in-chief for the time being.

"4. It is true, there was a fund appropriated to sink the notes issued for the grant to the Crown Point expedition. That fund in a great measure fails by the loss of one whole county to the enemy, and the abandoning considerable parts of other counties, where lands mortgaged to the loan-office are situated. The whole sum was appropriated to the King's service. And if those notes had not been issued, that assistance could not have been given, as our affairs were then circumstanced. They cannot be redeemed in due time by that fund, without adding to the distresses of the people, already too great; and the public credit ought to be kept up, as it may be wanted on some future emergency. Besides, those notes bear interest, and at this time the province is less able than ever to pay interest. We should now save money by all means in our power."

"10. The fund appropriated for sinking the five thousand pounds, given for the Canada expedition, was broke in upon by the late extraordinary demands for public money. Five thousand pounds were given in provisions to General Braddock, and near four thousand pounds more to cut a road for the King's service at the instance of that general; besides large sums for the maintenance of Indians, extraordinary and expensive treaties, &c., not expected or foreseen when the fund was laid. It may therefore fall short, and the outstanding debts not pay the whole; but, however, the public credit ought to be supported; and the new laid excise is the most proper fund to supply deficiencies in the old.

"The House cannot be supposed insensible of the distresses of their fellow-subjects on the frontiers. Several of the members reside there. They hoped they had in this bill provided for those people the means of speedy assistance, and avoided all objections. They see none now of importance enough, in their opinion, to prevent the passage of the bill. They grant the money freely to the King's use, and cannot admit of amendments to a money bill; they therefore persuade themselves, that the governor will consider the present circumstances of the province, and the consequences of dispiriting the inhabitants by depriving them at this time of their privileges, without which they would think the country scarce worth defending; and that he will not suffer a proprietary instruction, new, unjust, and unseasonable, to deprive his Majesty of a grant so large, so freely given, and so necessary for his service, and for the preservation of the proprietary estate, as well as the securing the lives and fortunes of the inhabitants, who promised themselves great happiness in being placed immediately under his care and protection."

The kings of Great Britain have a negative on laws as well as the deputy-governors of Pennsylvania; but then they use it as rarely as possible; and, when they do, they rather demur than refuse. But the deputy-governor of Pennsylvania, having no such managements to observe, thought the peremptory style the best; and so sent down the secretary with a verbal message, which is entered in the minutes of the province in these words;

"Sir,

"The governor returns the bill entitled, 'An act for striking the sum of sixty thousand pounds, in bills of

credit, and giving the same to the King's use, and for providing a fund to sink the bills so to be emitted, by laying an excise upon wine, rum, brandy, and other spirits.' And his Honor commands me to acquaint the House, that he will not give his assent to it; and, there being no person to judge between the governor and the House in these parts, he will immediately transmit to his Majesty his reasons for so doing."

The remainder of that day (the 15th), as it may be surmised, was wasted in a vain discussion of the difficulties they were involved in; for the House broke up without coming to any resolution. The next was a blank likewise; no business was done; but, on the third, having resumed the consideration of the governor's objections to their bill, the committee's report thereupon, the governor's verbal message refusing his assent to the said bill, and the proprietaries' instructions, prescribing to the representatives of the freemen of the province the modes of their raising money for the King's service, they came to the following resolutions, to wit;

"That the said proprietary instructions are arbitrary and unjust, an infraction of our charter, a total subversion of our constitution, and a manifest violation of our rights, as freeborn subjects of England.

"That the bill for granting sixty thousand pounds to the King's use, to which the governor has been pleased to refuse his assent, contains nothing 'inconsistent with our duty to the crown, or the proprietary rights,' and is agreeable to laws, which have been hitherto enacted within this province, and received the royal approbation.

"That the right of granting supplies to the crown is in [illegible] alone, as an essential part of our

constitution, and the limitation of all such grants, as to the matter, manner, measure, and time, is only in them.

"That it is the opinion of this House, that the many frivolous objections, which our governors have been advised from time to time to make to our money bills, were calculated with a view to embarrass and perplex the representatives of the people, to prevent their doing any thing effectual for the defence of their country, and thereby render them odious to their gracious sovereign, and to their fellow-subjects, both at home and abroad.

"That the proprietaries' increasing their restrictions upon the governor, beyond what they had ever done before, at a time when the province is invaded by the King's enemies, and barbarous tribes of Indians are ravaging the frontier settlements; and their forbidding the passing of any bills, whereby money may be raised for the defence of the inhabitants, unless those instructions are strictly complied with, is tyrannical, cruel, and oppressive, with regard to the people, and extremely injurious to the King's service; since, if the assembly should adhere to their rights, as they justly might, the whole province would be thrown into confusion, abandoned to the enemy, and lost to the crown.

"The House, therefore, reserving their rights in their full extent on all future occasions, and protesting against the proprietary instructions and prohibitions, do, nevertheless, in duty to the King and compassion for the suffering inhabitants of their distressed country, and in humble but full confidence of the justice of his Majesty and a British Parliament, wave their rights on this present occasion only; and do further resolve, that a new bill be brought in for granting a sum of money to the King's use, and that the same be made conformable to the said instructions."

By this new bill, both the sum and the time were reduced one half; that is to say, the sum to thirty thousand pounds, and the time for raising it, by excise, to ten years. The bill was immediately prepared and read, and the next day was sent up to the governor, who, on the 20th, condescended to signify, that he was ready to pass the same into a law, provided a clause therein, relating to the fines and forfeitures being paid into the treasury, was first struck out; which, on ac count of the present exigency of affairs, having been also agreed to by the House, the said bill was, on the 21st of September, passed accordingly into a law.

Under these circumstances, in this manner, and for these considerations, had Governor Denny the honor to extort this proprietary sacrifice from these honest, considerate, able, spirited men, who had stood in the gap for so many years, and who had never been driven out of it, if it had been possible for them to have saved their country and its constitution too.

To the cruelty of the conjuncture alone they gave way; not to any superiority of reason in their adversaries, nor through any failure of integrity or fortitude in themselves.

Of this, a sufficient testimonial remains still to be given, out of their minutes; wherein are to be found (and it is to be hoped will for ever remain) the remarks of the committee, by order of the House, on the proprietaries' instructions, already before the reader, which contain as full a vindication of themselves and their conduct, as is in the power of thoughts and words to express; and consequently as full an exposition of the claims and demands brought against them.

Too long, however, is this performance, to be given in the entire; more especially in the close of so long a narration; and too significant is it to admit of any

abridgment; to the Appendix, therefore, the reader must be referred, if he has a curiosity to see it; where it is lodged, as a requisite, without which neither his entertainment nor his information could be complete.*

It will suffice to say in this place, that it was unanimously approved of, and agreed to, by the House; and that the House was unanimous also in resolving, "that it was highly necessary, a remonstrance should be drawn up and sent home, setting forth the true state of Pennsylvania, and representing the pernicious consequences to the British interest, and to the inhabitants of that province, if, contrary to their charters and laws, they were to be governed by proprietary instructions."

The true state of Pennsylvania is now before us. It is apparent, the assemblies of that province have acted from the beginning on the defensive only. The defensive is what every man, by the right and law of nature, is entitled to. Jealousy is the first principle of defence; if men were not to suspect, they would rarely, if ever, be upon their guard. *Magna Charta* is apparently founded upon this principle; nay, provides, that opposition should be always at hand to confront and obviate danger. Penn, the founder of the colony, founded it upon *Magna Charta;* and, as we have seen, the birthrights of his followers were rather enlarged than diminished by his institutions. That the latter part of his active life, therefore, was employed in undermining his own foundations, only serves to excite our concern, that so few should be of a piece with themselves, and to make him answerable in part for the trespasses of his heirs.

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* This document, entitled "*Report of a Committee of the Assembly, September 23d,*" is omitted in the Appendix, for the reasons stated above, (p. 383,) where references to it may be found. — EDITOR.

Fatally verified, however, we see, both there and everywhere else, the fable of the axe, which, having been gratified with as much wood only as would serve it for a handle, became immediately the instrument to hew down the forest, root and branch, from whence it was taken.

It is as apparent, on the other hand, that these proprietaries have acted an offensive part; have set up unwarrantable claims; have adhered to them by instructions yet more unwarrantable; have availed themselves of the dangers and distresses of the province, and made it their business (at least their deputies have) to increase the terrors of the times, purposely to unhinge the present system; and, by the dint of assumptions, snares, menaces, aspersions, tumults, and every other unfair practice whatsoever, would have either bullied or wheedled the inhabitants out of the privileges they were born to; nay, they have actually avowed this perfidious purpose, by avowing and dispersing those pamphlets in which the said privileges are insolently, wickedly, and foolishly pronounced repugnant to government, the sources of confusion, and such as, having answered the great end of causing an expeditious settlement, for which alone they were granted, might be resumed at pleasure, as incompatible with the dictatorial power they now challenge, and would fain exercise.

And, this being the truth, the plain truth, and nothing but the truth, there is no need to direct the censures of the public, which, on proper information, are always sure to fall in the right place.

The parties before them are the two proprietaries of a province and the province itself. And who or what are these proprietaries? In the province, unsizeable subjects and unsufficient lords. At home, gentlemen,

it is true, but gentlemen so very private, that in the herd of gentry they are hardly to be found; not in court, not in office, not in Parliament.

And which is of most consequence to the community, whether their private estate shall be taxed, or the province shall be saved?

Whether these two private gentlemen, in virtue of their absolute proprietaryship, shall convert so many fellow-subjects, born as free as themselves, into vassals, or whether so noble and useful a province shall for ever remain an asylum for all that wish to remain as free as the inhabitants of it have, hitherto, made a shift to preserve themselves?

"Sub judice lis est."

What part the offices here at home have taken in this controversy, it will be time enough to specify when it is over; and appeals respectfully made argue a presumption, that right will be done.

But one circumstance more, therefore, remains to be added in behalf of this persecuted province, which is the testimonial of Commodore Spry, contained in the following extracts from two of his letters to one Mr. Lovell, a gentleman of Philadelphia, and by him communicated to the Speaker of the assembly, to wit;

"August 5th, 1756.

"It is impossible to conceive how much I am obliged to the gentlemen of Pennsylvania for their ready concurrence in supplying his Majesty's ships in North America with such a number of seamen, at their government's expense; and I must entreat you to make my most grateful acknowledgments to your Speaker, and the rest of the gentlemen concerned in it."

"August 7th, 1756.

"I have joined Mr. Holmes, and we are now under sail, with a fair wind, for Louisburg. Last night a ship luckily arrived, with twenty-nine seamen more from the people of your good province. God bless them! I shall ever gratefully remember and acknowledge it. I have the seamen all on board my own ship, except four that are sick at the hospital."

APPENDIX,

CONTAINING

SUNDRY ORIGINAL PAPERS

RELATIVE TO

THE GENERAL POINTS OF CONTROVERSY

BETWEEN

THE GOVERNORS AND ASSEMBLIES

OF

PENNSYLVANIA.

APPENDIX.

No. I.

REPRESENTATION OF THE ASSEMBLY TO THE PROPRIETARIES, REQUESTING THEM TO BEAR A PROPORTIONABLE PART OF INDIAN EXPENSES; WITH THE PROPRIETARIES' ANSWER, AND THE ASSEMBLY'S REMARKS.

TO THE HONORABLE THOMAS PENN AND RICHARD PENN, PROPRIETARIES OF THE PROVINCE OF PENNSYLVANIA, &C.

THE REPRESENTATION OF THE GENERAL ASSEMBLY OF THE SAID PROVINCE, MET AT PHILADELPHIA, THE TWENTY-THIRD DAY OF THE SIXTH MONTH, 1751.

MAY IT PLEASE THE PROPRIETARIES;

The first settlers of this province unanimously concurred with your worthy father, to lay the foundation of their settlements, in doing justice to the native Indians, by coming among them as friends, upon an equitable purchase only. This soon appeared to be the best and safest way to begin the infant settlement, by the veneration and love it procured from those people, who kindly supplied the wants of many, then destitute of the necessaries of life; and, as the settlements increased, retired to make room for their new guests, still preserving that esteem and veneration, which had been so strongly impressed upon their minds. By this voluntary retreat, all were satisfied, for there was room enough for all; and the good faith so carefully kept with those, who were nearest, gave the more distant Indian nations that favorable opinion of us, which our continuing to act on the same principles of justice hath supported to this day. They entered freely into our alliance; they became the guards of our frontiers against the French and French Indians, by obliging them to observe a neutrality towards us, as we

experienced during the course of the last war; and we have reason to think we now share largely in their affections. But this beneficial friendship hath neither been procured nor continued without a very great expense to the people of this province, especially for some years past, wherein we find the assemblies opened their hands liberally to all the purposes of peace, among those who could best, under God, preserve our distant settlements against the depredations of an active and powerful enemy; without strictly inquiring, at that time, how far the people alone ought to bear the burden of those expenses. But as that burden became yearly more and more heavy, the assemblies were naturally led to request the assistance of the proprietaries, and we hoped an application so apparently reasonable might have their approbation.

We are therefore much concerned to receive an answer, so different from our expectations, in which the proprietaries are pleased to say, "that they do not conceive themselves under any obligation to contribute to Indian or any other public expenses, even though taxes were laid on the people for the charges of government; but, as there is not one shilling levied on the people for that service, there is the less reason for asking any thing of them. Notwithstanding which, they have charged themselves with paying to the interpreter much more than could be due to him on any treaties for land, and are at this time at the expense of maintaining his son, with a tutor, in the Indian country, to learn their language and customs for the service of the province, as well as of sundry other charges on Indian affairs. That they have been at considerable expense for the service of the province, both in England and here; that they purchase the land from the Indians, and pay them for it; and that they are under no greater obligation to contribute to the public charges, than any other chief governor of any of the other colonies."

Upon which we beg leave respectfully to represent to our proprietaries, that the preserving a good understanding with the Indians more particularly advances the interest and value of the proprietary estate, than that of any other estate in the province, as it gives the proprietaries an opportunity of purchasing at a low price, and selling at high rates, great tracts of land on the frontiers, which would otherwise be impracticable. That, therefore, though they may conceive themselves under no obligation by law, they are under the much stronger obligations of natural equity and justice to contribute to the expense of those Indian treaties and presents, by which that good understanding, so beneficial to them, is maintained. That, although formal taxes have not been laid in this province during

some years past, for the support of the proprietaries' lieutenant-governor, and defraying the charges of Indian treaties, yet the interest of our paper money is a virtual tax on the people, as it arises out of, and is paid by, their labor, and our excise is a real tax, yielding about three thousand pounds per annum, which is principally expended in those services, besides the tax of licenses of various kinds, amounting to considerable sums yearly, which have been appropriated wholly to the support of the governor. That the assemblies of this province have always paid the accounts of our Indian interpreter for his public services to his full satisfaction; and we believe future assemblies will not fail to do, in that respect, what may reasonably be expected from them, when his son shall be thought qualified to succeed him. Nor do we doubt their discharging all just debts, for expenses properly chargeable to the province, whether made here or in England, whenever the accounts are exhibited. We are, nevertheless, thankful to our proprietaries for their care in our affairs, and their endeavours to provide a well-qualified successor to our present interpreter, as such a one may be of service to the public, as well as to the private interests of their family.

We would further entreat our proprietaries to consider, that their great estate, not lying in Britain, is happily exempt from the burdens borne by their fellow-subjects there, and cannot, by any law of ours, now in being, be taxed here. That, therefore, as they are not obliged, on account of that estate, to bear any part of the charge of any war the British nation may be involved in, they may with us more freely contribute to the expense of preserving peace, especially on the borders of their own lands, as the value of those lands so much depends upon it.

We beg leave further to observe to our proprietaries, that the act forbidding all others to purchase lands of the natives establishes a monopoly solely in their favor; that, therefore, they ought to bear the whole charge of treaties with the Indians for land only, as they reap the whole benefit. And that their paying for land (bought, as we conceive, much the cheaper for the provincial presents accompanying those treaties), which land they sell again to vast advantage, is not a satisfactory reason why they should not bear a part of the charge of such other treaties, as tend to the common welfare and peace of the province.

Upon the whole, since the proprietaries' interests are so constantly intermixed, more or less, with those of the province, in all treaties with our Indian allies; and since it appears, that the proprietaries

think they already pay more than their share, and the people (who have disbursed near five thousand pounds within these four years on those occasions) think they pay abundantly too much; we apprehend that the surest way to prevent dissatisfaction on all sides, will be to fix a certain proportion of the charge of all future provincial treaties with the Indians, to be paid by the proprietaries and province respectively; and this, we hope, they will on further consideration agree to, not only as it is in itself an equitable proposal, but as it may tend to preserve that union and harmony between the proprietaries and people, so evidently advantageous to both.

Signed, by order of the House,

ISAAC NORRIS, *Speaker.*

THE PROPRIETARIES' ANSWER TO THE FOREGOING REPRESENTATION OF THE HOUSE OF REPRESENTATIVES.

LAID BEFORE THE HOUSE, MAY 23D, 1753.

GENTLEMEN,

1. The true and real interest of the people whom you represent is, as it ought to be, the principal object of our concern; we shall, on all occasions, show them that we have it constantly in view; we will use our utmost endeavours to procure it, at the expense of our own private fortunes, whenever it appears to us necessary; and, in considering the matter of your representation, shall endeavour to act such a part as would be thought just, by persons wholly disinterested, both with regard to us and them.

2. That the representatives of the people are not so disinterested, seems most certain; wherefore, supposing they saw this matter in a light very different from that in which it appears to us, and that they were not actuated by any inclination on the one hand to oppose our interest, or on the other to influence the weaker part of the electors by appearing zealous for theirs (which we would trust and hope is the case), yet we may continue to differ in sentiments from them on the necessity of the desired assistance, without being liable to any imputation of neglecting the interest of the province in the opinion of the world.

3. After we had ordered our governor to give you the answer which he did, to your former application, we had no reason to

expect a repetition of the application directly to ourselves; as you might well suppose we had considered the matter before we had returned our first answer, and the repeating the request could only produce the repeating the answer; the occasion for which does not appear to us. It is possible, that one purpose may be, in order to show, more publicly, this difference in opinion between us and yourselves; and if that was ever intended, it will be convenient that we should set this matter in a clear light, (although it may make our answer longer than we could wish,) that the true state of the matter may appear.

4. We did not speak our own sentiments only, when we before said, we were under no greater obligation to contribute to the public charges than any chief governor of another colony; that was the opinion of the Lords of Trade, when, upon an application made to the King, by many considerable inhabitants of the province, that he would be pleased to give some orders for their defence, the counsel, employed by the agent of the House of Representatives, insisted, that, if any such preparations were necessary, the proprietaries ought to be at the expense of them; but their Lordships declared it their opinion, that we were not obliged to be at any expense of that nature, more than any other governor-in-chief of the King's colonies.

5. We are sensible, that our honored father, in the first settlement of the province, and at all times after, was strictly careful to do justice to the Indians, and purchased land from them before it was settled; but, we believe, always at his own charge; at least, we do not find a single instance of a purchase having been made at the expense of the people. So that what share they had in such purchases, we are at a loss to know, other than the benefits and conveniences, which arose from the mutual exchange of friendly offices with the natives.

6. Had the necessary public charges amounted to more than the revenue of the province, and a general tax been laid on the people to defray the same, there might then have been some color to desire that we should contribute; but, as no such tax has, for very many years, been or need to be laid, and the charge of government amounts to little more than the one half of the common and ordinary revenue, the pressing thus unseasonably for our contribution, appears, we conceive, as an attempt to induce the weakest of the people to imagine yourselves to have an uncommon regard to their interests, and to be therefore the most proper persons to be continued as their representatives. And the matters, which might the

rather induce us so to think, are the solemn repetition of this request, and treating it as if it was a matter of great value and consequence; the time of making your last representation, just before an election; and the printing the report, and most extraordinary resolutions, which were the foundation of such your representation, in your votes, long before your address could, by any possibility, come to our hands; which are such matters as could not escape our observation, and which would almost persuade us, that it was intended as an address to the people, rather than to us.

7. Wherefore, on this occasion, it is necessary that we should inform the people, through yourselves, their representatives, that as, by the constitution, our consent is necessary to their laws, at the same time that they have an undoubted right to such as are necessary for the defence and real service of the country; so it will tend the better to facilitate the several matters, which must be transacted with us, for their representatives to show a regard to us and our interest; for, considering the rank which the crown has been pleased to give us in Pennsylvania, we shall expect from the people's representatives, on all occasions, a treatment suitable thereto; and that, whilst we desire to govern the province according to law only, they should be as careful to support our interests, as we shall always be to support theirs.

8. We are truly concerned, that you lay us under the necessity of acquainting the public with the state of the revenue of the province. You have, in part, done it already, by acknowledging the amount of the excise to be three thousand pounds a year. The interest of the paper money, as we conceive, is more than that sum, which makes the common revenue of the province above six thousand pounds a year; the annual expense of government for a series of years (including Indian charges) amounts to little more than half that sum; the interest is paid by people, who, no doubt, find greater advantage in the use of the money than the interest they pay for it, otherwise they would not be so solicitous to be admitted to borrow as they always have been. That interest money, therefore, cannot, with any propriety, be called a tax laid on the province, or a burden on the inhabitants. The excise itself is not a general tax, to which all the inhabitants must contribute, as it is paid by such only who buy wine and spirituous liquors, under certain quantities; so that many people pay nothing of that tax. Of all this revenue, about four hundred pounds a year have, on an average, for twenty years past (and great part of that time during war), been expended in presents to the Indians, and charges on

their account; which we cannot conceive to be a large sum, in proportion to the revenue of the province, for so great and important a service as that of keeping the united nations of Indians in the interest of Great Britain. We believe every disinterested person will think the sum very small, and, from the manner of its being raised, not at all burdensome to the people; besides which, had not half that money been expended on those accounts, it is most certain all the same excise would have been paid.

9. The whole sum paid, in twenty years, for Indian services, is not more than, on a common computation, our family has paid, in the same time, for duties and excises here, for the support of his Majesty's government; and which we choose to mention, in answer to that part of your representation, wherein you unadvisedly publish to the world, that our estate in America is exempted from the burdens borne by our fellow subjects in Great Britain; such matter might much more properly have been avoided; and at the same time that we show you, that we do pay all other taxes here, that on land only excepted, we must advise you to be very careful not to put people here in mind of that single exemption. Several proposals have been made for laying taxes on North America, and it is most easy to foresee, that the self-same act of Parliament, that shall lay them on our, will also lay them on your estates, and on those of your constituents.

10. We cannot allow that you have always paid your interpreter to his satisfaction, because we know we have charged ourselves with gratifications to him, when the assembly has refused to pay him what he thought his services deserved; and we make no doubt he can remember such instances. However, with respect to any expenses of that sort, and many others here, we entered into them without any expectation of being repaid, and should think it far beneath us to send the accounts of them to the House of Representatives, as your agent, employed by yourselves, might do for the expenses incurred by him. What we might reasonably expect, is, a thankful acceptance of our endeavours to serve the public; and, if you do not think proper to make even that return, we shall, nevertheless, be fully satisfied with the consciousness of having rendered the province all the services in our power.

11. We do not conceive that any act of assembly does, or can establish, what you call a monopoly in us for the purchase of lands; we derive no right or property from any such law. It is under the King's royal charter, that we have the sole right to make such purchases; and it is under that same charter, that every settler has a

right, through us, to the estate he possesses in the province. The act itself, which you seem to allude to, acknowledges this right to be so granted to us by the charter, and is only declaratory thereof to the people, advertising them of a certain truth, that they are liable, according to the laws of Great Britain, to penalties for contravening such right.

12. Your assertion, that treaties for land are made at a less expense to us, on account of provincial presents being given at the same time, does not appear to us to be founded on fact; the last purchase was made on no other account but purely to save the province the expense of making another present to some Indians, who came down after the time that the principal deputation had received the presents intended for the whole, and were on their return back; and the land was bought very dear on that account. Other treaties for land have been made when provincial presents have not been given; and we do not, or ever did, desire, that the inhabitants should bear any part of the expense of Indians, who came down solely at our request to consent to the sale of lands, unless they stay on other public business also; and, whenever they have come down on both accounts, we are sensible the expense has been divided in a manner very favorable to the public.

13. We are far from desiring to avoid contributing to any public expense, which it is reasonable we should bear a part of, although our estate is not, by law, liable to be taxed. As we already have been, so we doubt not we always shall be, at a far greater expense in attending the affairs of the province, than our estate could be taxed at, if all the estates in the province were rated to the public charges, which would be the only fair way of establishing a proportion. If we were willing to consent to any such matter, the value of our estate, and of the estates of all the inhabitants, ought to be considered, and the whole expense proportionably laid upon the whole value; in which case you would find, that the expense which we voluntarily submit to, out of affection to the inhabitants, is much more than such our proportion, so laid, would amount to. Besides these general expenses, the first of us sent cannon at his own charge, to the amount of above four hundred pounds sterling, for the defence of our city of Philadelphia, neglected by a late House of Representatives; which, alone, is such a sum as the proportion of a tax on our estate would not in many years amount to. And, as this is the case, we are not disposed to enter into any agreement with the House of Representatives for payment of any particular proportion of Indian or other public expenses, but shall leave it to

them (to whom it of right belongs) to provide for such expenses as they shall judge necessary for the public service.

14. As you desire to appear willing, on your parts, to ease your constituents of a small part of the Indian expense, by throwing it upon us, we shall, on our part, and hereby do, recommend it to you to give them a real and far greater relief, by taking off a large share of that only tax which is borne by them. As the general expense amounts to little more than three thousand pounds a year, we conceive it may very well be provided for out of the interest of the paper money, and one half of the present excise; especially if we shall be induced, from the state of your trade (which we expect soon to receive), to consent to an increase of your paper currency. This would ease the inhabitants of about fifteen hundred pounds a year, which would be felt by many of them, when they would not be sensible of the trifle you propose we should contribute to the public expenses. We have directed the governor to consent to such a law, when you shall think fit to present it to him.

15. As we shall ever, in the first place, endeavour to promote the real interests of the good people of Pennsylvania, we make no doubt of preserving a union and harmony between us and them, unless men of warm or uneasy spirits should unhappily procure themselves to be elected for representatives, and should, for the supporting their own private views, or interests, influence their brethren, otherwise honest and well designing, to espouse their cause. In such case, indeed, disputes may arise, wherein we shall engage with the utmost reluctance; but even then, as we shall make the general good the rule of our actions, we shall, on all such occasions, if ever they should happen, steadily, and without wavering, pursue measures the most likely to conduce to that good end.

16. The representatives being annually chosen, we are aware that we are not writing now to the same persons, who sent the representation to us; the persons most forward to push on a measure (which, from the answer we directed our governor to give to the former application he was desired to make to us, must be supposed disagreeable) may not now be in the House, but may be succeeded by more prudent persons, returned for their places, who would be careful not to press a matter too far, in which the rights of the people are not really concerned; however, the answer we give must be to the representation sent us. And we desire, in any matter of the like nature, that the House will be satisfied with such an answer as the governor may have orders to give on our behalf.

THOMAS PENN,
RICHARD PENN.

REPORT ON THE PROPRIETARIES' ANSWER.

IN obedience to the order of the House, your committee have considered the representation made by a former assembly to the proprietaries, concerning Indian affairs, with their answer delivered to this House; and, since all further application to the proprietaries on the subject of that representation is now forbidden, and they seem to require that their answer should be put on the minutes of assembly, we are of opinion, that the representation, not hitherto made public, should accompany it, with such of the following remarks made on each paragraph of the said answer, as the House shall think proper.

1. On the first paragraph of the answer, we shall just observe, that the declaration it contains is a noble one, and worthy of the rank our proprietaries hold among us; we only wish, that, in the present case, they had thought fit to give a proof of the sincerity with which it is made, such as would have been satisfactory to others, since our assemblies are esteemed interested judges.

2. The insinuation, in the second paragraph, as if the assembly were actuated by an inclination to oppose the proprietary interests, we look upon to be injurious, and as groundless as the other supposition, that the members might have in view their future election, of which we shall take further notice when we come to the sixth paragraph, where it is again repeated. No instance can be given of that assembly's opposing, or attempting to oppose, the proprietary interest. It rather appears, that they thought they were consulting those interests in the very point in question, if it be consistent with the proprietary interest to have a good understanding with the people; since the representation expressly proposed a method of preventing misunderstandings for the future.

3. In the third paragraph, the representation is treated as a mere repetition of a former application, and therefore improper, as "repeating the request could only produce the repeating the answer;" but the representation appears to your committee to contain, not only a repetition of the request, but new reasons in support of it, and answers to such as had been given for refusing it. And such a repetition of an application we think justifiable in all cases; except where we can be sure that the first thoughts of the persons applied to are infallibly right, or, if wrong, that they are incapable of hearing reason.

4. With regard to the opinion, said to be declared by the Lords

of Trade, "that our proprietaries were no more obliged to contribute to public charges, than any other governor-in-chief of the King's colonies;" your committee presume to suppose their Lordships could only mean, that, as governor-in-chief, the proprietaries were not obliged by law; and not, that as proprietaries they were not obliged in equity. The latter is the point at present in dispute between the proprietaries and people of Pennsylvania, though in this paragraph evaded. The assembly mention no other obligation but such as, in their opinion, arises from reason and justice; they humbly submit their reasons to the proprietaries' consideration, and, from their equity only, they hope a compliance with the request. The position, understood as the proprietaries would understand it, must as well hold good among the governed as the governors of the colonies; for, should the wealthiest inhabitant say, he ought to pay no more towards public charges than any other inhabitant, he would be right, considering him merely as an inhabitant; but as a possessor of property, he would be wrong; and therefore laws are made, obliging such as would not otherwise be just, to pay in proportion to their substance.

5. The fifth paragraph seems intended to combat an assertion, that the purchases from the Indians were made with the people's money. As we find no such assertion in the representation, we do not think it necessary at present to inquire how far, or in what instances, the people have had a share directly or indirectly in any such purchases. The representation only intimates, that the House conceived, treaties for the purchase of land were made on more reasonable terms to the proprietaries, for the provincial presents accompanying such treaties; and that this was an additional reason why the proprietaries should bear a proportionable part, at least, of the expense of such presents; since, besides their share of "the common benefits and conveniences, which arise from the mutual exchange of friendly offices with the Indians," they reap a particular advantage to themselves, and that a very considerable one. This reason we apprehend is not answered in the present paragraph; it is only evaded, by changing the state of the question. A subtilty, in our opinion, unworthy the dignity of the proprietaries and chief governors of a province.

6. On the sixth paragraph we would observe, that the request to the proprietaries, that they would be pleased to bear a part of Indian expenses, was founded on the supposed equity of the case and that they would consent to settle the proportion to be paid by them, was proposed as a means of preventing dissatisfactions be-

tween them and the people. To these points, this paragraph only answers, that the people are able enough to pay these expenses without the assistance of the proprietaries. This likewise seems to be starting a new question, and one that is beside the present purpose; for though it were true, that the people are able to pay, it does not follow, that they should therefore pay unjustly, nor is it likely that they will be pleased and satisfied with so doing, for such a reason. The proprietaries are likewise able to pay, they have revenue enough, but they do not think this a sufficient reason even to pay a part; why, then, should it be thought sufficient to induce us to pay the whole? The charge contained in this paragraph, "that the application was only an attempt to induce the weakest of the people to imagine the House had an uncommon regard to their interests, and were therefore the most proper persons to be continued their representatives at the ensuing election," your committee think an absolute mistake, and unsupported by the least degree of probability. For there had not been for some years, nor was there expected to be, nor has there since been, any contest at elections between the proprietary and popular interests; nor, if there had, would it have been necessary to take such measures, the proprietaries having, of late years, no formidable share of the people's love and esteem. Nor was the supposed address in fact made to the people; for the representation has never yet been published, nor were the votes containing those resolutions published, till after the election was over. Nor is the situation of an assembly-man here so advantageous, as to make it worth his while to use artifice for procuring a reëlection; for, when the smallness of the allowance, the expense of living, the time he is absent from his own affairs, and other inconveniences, are considered, none will suppose he can be a gainer by serving the public in that station.

7. But whether assembly-men may or may not expect any gainful advantages from that station, we find our chief governors informing us in pretty plain terms, in the seventh paragraph, that they themselves are not without such expectations from theirs. They tell us, "their consent is necessary to our laws, and that it will tend the better to facilitate the matters, which must be transacted with them, for the representatives to show a regard to their interest." That is, as we understand it, though the proprietaries have a deputy here, supported by the province, who is or ought to be fully empowered to pass all laws necessary for the service of the country, yet, before we can obtain such laws, we must facilitate their passage

by paying money for the proprietaries, which they ought to pay, or in some other shape make it their particular interest to pass them. We hope, however, that if this practice has ever been begun, it will never be *continued* in this province; and that, since, as this very paragraph allows, we have an undoubted right to such laws, we shall be always able to obtain them from the goodness of our sovereign, without going to market for them to a subject.

Yet, however easy it may be to understand that part of this paragraph which relates to the proprietaries' interest, your committee are at a loss to conceive why, in the other part of it, the people are to be acquainted, "that the crown has been pleased to give the proprietaries a rank, and that they expect from the representatives a treatment suitable thereto." We cannot find on perusing the representation in question, that it contains any treatment unsuitable to their rank. The resolve of the House was, that, to prevent dissatisfaction on all sides, they should be requested, in the most reasonable and most respectful manner, to agree upon a proportion of Indian charges to be paid by them and the province according to justice; and it may be submitted to the judgment of all impartial persons, whether the representation drawn in pursuance of the resolve, was not both reasonable in itself, and respectful in the manner. It was not, as the proprietaries represent it, an address to the public. It is not to this day made public. It was a private application to themselves, transmitted to them through the hands of their governor. Their true interest (which they will always find to consist in just, equitable, and generous measures, and in securing the affections of their people) was consulted in it; and one suitable means proposed to obtain that end. As to rank, the proprietaries may remember, that the crown has likewise been pleased to give the assemblies of this province a rank; a rank which they hold, not by hereditary descent, but as they are the voluntary choice of a free people, unbribed, and even unsolicited. But they are sensible, that true respect is not necessarily connected with rank, and that it is only from a course of action suitable to that rank they can hope to obtain it.

8. Your committee are quite surprised at the concern the proprietaries are pleased to express, in their eighth paragraph, on their being, as they say, laid under a necessity of acquainting the public with the state of the revenue of the province; as if the state of that revenue had ever been a secret; when it is well known, and the proprietaries themselves know, that the public accounts are yearly settled, stated, printed, and published by the assembly, and have

been so for these thirty years past. Whatever private reasons the proprietaries may have to make a secret of their revenue, we know of none to make one of the revenue of the province, nor has it ever been attempted. Their following observations, concerning the nature of our taxes, and the distinction between general and particular taxes, seem to your committee not so just and accurate as might be expected; for we cannot conceive, that the willingness of people to subject themselves to the payment of interest or excise, by taking money on loan, or consuming spirituous liquors, makes either the one or the other less a tax. The manner of laying a tax, the easy method of levying it, and the benefits arising from the disposition of it, may all tend to induce people to pay it willingly; yet it is still a tax. And, indeed, all taxes ought, upon the whole, to produce greater good to a people, than the money kept in their pockets could do; in such case, taxes are no burdens; but otherwise, they are. Taxes, seemingly particular, are also more general than they are often supposed to be. The laboring man must live; excise the materials of his subsistence, and he generally finds means to get more for his labor.

After estimating our whole present revenue, as if it had been the same for twenty years past, and would certainly continue, though the proprietaries know it depends on temporary acts near expiring, the renewal of which is at best dubious, they conclude that four hundred pounds a year for Indian expenses is a small sum, and that we are under no necessity of being frugal, on this account, of the public money. This four hundred a year is the sum that they find has been paid on an average for twenty years past, and they take no notice of its being a growing charge, and that, for the four last years before the representation, it amounted to near twelve hundred a year, which we conceive disinterested persons will think a very large sum; and although the same excise might have been raised, if not half that money had been expended, it does not seem to us to follow, that the proprietaries ought not to have paid their just proportion of it. If the sum be small, their proportion of it must have been smaller; and the money so saved might have been applied to some other use, beneficial to the public, or have remained ready in the treasury for any emergency.

9. On the ninth paragraph, your committee will only observe, that the people of Pennsylvania do likewise pay duties and excise for the support of his Majesty's government; and other taxes, which, considering their ability, are perhaps proportionably equal to those paid by the proprietary family, or any other subjects in England.

We pay, indeed, as much as an infant colony can well bear, and we hope and believe the justice of a British Parliament will never burden us with more. The proprietaries' exemption was not published till now at their own instance. It was made use of as a private motive to themselves only, in the representation.

10. On inquiry, we have reason to believe, that the interpreter's bills of charge against the province have always been allowed and paid; and, where his accounts have contained blank articles for his services, he has been asked what would satisfy him, and the same has been allowed. We suppose the instances alluded to, wherein the assembly did not fully satisfy him, must have been such as the proprietaries were concerned in by the purchase of lands, and a part might accordingly be left for them to pay. We believe our assemblies always have been, and we hope always will be, ready to acknowledge gratefully any services rendered to the public by the proprietaries; and not merely to acknowledge them, but to make adequate returns.

11. Whether the monopoly of lands, in favor of the proprietary, was established by the royal grant, or by act of assembly, or by both, your committee do not think it material at this time to dispute, since the reasoning in the representation remains the same, namely, that those, in whose favor such monopoly was erected, ought at least to bear a part of the expense necessary to secure them the full benefit of it.

12. In the twelfth paragraph, three things appear somewhat extraordinary to your committee. 1. That the proprietaries should deny, that treaties for land are made at less expense on account of provincial presents accompanying them, which we think any disinterested judge would at least allow to be probable. 2. That they should say the last purchase was made on no other account, but purely to save the province the expense of a present; as if they had no occasion to purchase more land of the Indians, or found no advantage in it. 3. That, to prove such purchases were not the cheaper on account of provincial presents accompanying them, they should give an instance in which, they themselves say, the purchase was the dearer for want of such presents. If purchases are dearer to the proprietaries when no provincial presents accompany them, does not this clearly confirm the assertion of the assembly, that they are the cheaper when there are such presents? And does it not prove what the proprietaries deny?

13. It appears by their thirteenth paragraph, that the proprietaries think the part they voluntarily submit to bear, and expect

always to bear, of public expenses, is greater than their proportion, equitably laid, would amount to. If this be so, and they are, as they say, "far from desiring to avoid contributing to any public expense, which it is reasonable they should bear a part of, although their estate is not by law liable to be taxed;" your committee are at a loss to conceive, why they should refuse, "to enter into any agreement for the payment of any particular proportion of Indian or other public expenses," when such agreement might save them money, and is proposed to prevent dissatisfactions, and to preserve union and harmony between them and the people; unless it be to show their utter contempt of such union and harmony, and how much they are above valuing the people's regard.

The charge on former assemblies, that they neglected the defence of the proprietaries' city, your committee cannot but think unkind, when it is known to the world, that they gave many thousand pounds during the war to the King's use, besides paying near three thousand pounds, at one time, to make good the damages done to the masters of servants, by the irregular and oppressive proceedings of the proprietaries' lieutenant; and that their not providing cannon to defend the city was not from neglect, but other considerations set forth at large in the printed proceedings of those times, needless now to be repeated. At the same time, it may be remembered, that, though the defence of the proprietaries' city, as they are pleased to term it, by batteries of cannon, was more their interest (we will not say duty) than any other person's whatsoever, and they now represent it as a thing so necessary, yet they themselves really neglected and even discouraged it; while some private gentlemen gave sums nearly equal to that they mention, and many contributed vastly more, considering their circumstances, by which means those batteries were not only completed in season, but the defence of both town and country in that way provided for; whereas this boasted assistance of four hundred pounds' worth of cannon, was sent, like Venetian succours, after the wars were over. Yet we doubt not, but the proprietary who sent them has long since had the thanks of those who received them, though we cannot learn, that they ever were favored with any from him, for what they did and expended in defence of his share of the province property.

14. The fourteenth paragraph of the proprietaries' answer seems calculated merely for the same design, with which they charge the representation, namely, to amuse the weaker part of the people. If they are really disposed to favor the drinkers of spirituous liquors,

they may do it without a law, by instructing their lieutenants to abate half the license fees, which would enable the retailers to sell proportionably cheaper; or to refuse licenses to more than half the present number of public houses, which might prevent the ruin of many families, and the great increase of idleness, drunkenness, and other immoralities, among us.

15. In return to the good resolutions expressed by the proprietaries in their fifteenth section, your committee hope that future, as well as past assemblies, will likewise endeavour to make the public good the rule of their actions, and upon all occasions consult the true interest and honor of the proprietary family, whatever may be the sentiments or conduct of any of its particular branches. To this end, we think the honest and free remarks contained in this report, may be more conducive than a thousand flattering addresses. And we hope, that, when the proprietaries shall think fit to reconsider this matter, they will be persuaded, that agreeing to an equitable proportion of expense will be a good means of taking away one handle of dissension from "men of warm, uneasy spirits, if such should ever unhappily procure themselves to be elected."

16. Yet, if the proprietaries are really desirous of preserving a union and harmony between themselves and this people, we cannot but be surprised at their last paragraph, whereby they endeavour to cut off the assembly's access to them, in cases where the answers received from their deputies may not be thought agreeable to the public good. No king of England, as we can remember, has ever taken on himself such state, as to refuse personal applications from the meanest of his subjects, where the redress of a grievance could not be obtained of his officers. Even sultans, sophis, and other eastern absolute monarchs, will, it is said, sometimes sit whole days to hear the complaints and petitions of their very slaves; and are the proprietaries of Pennsylvania become too great to be addressed by the representatives of the freemen of their province? If they must not be reasoned with, because they have given instructions, nor their deputy, because he has received them, our meetings and deliberations are henceforth useless; we have only to know their will, and to obey.

To conclude, if this province must be at more than two thousand pounds a year expense to support a proprietary's deputy, who shall not be at liberty to use his own judgment in passing laws, (as is intimated to us in the fourteenth section of the answer we have been considering,) but the assent must be obtained from chief governors, at three thousand miles' distance, often ignorant or misinformed

in our affairs, and who will not be applied to or reasoned with when they have given instructions, we cannot but esteem those colonies that are under the immediate care of the crown, in a much more eligible situation; and our sincere regard for the memory of our first proprietary must make us apprehend for his children, that, if they follow the advice of Rehoboam's counsellors, they will, like him, absolutely lose, at least, the affections of their people. A loss, which, however they affect to despise it, will be found of more consequence to them, than they seem at present to be aware of.

All which is humbly submitted to the correction of the House, by, &c.

September 11th, 1753.*

No. II.

THOMAS PENN'S ESTIMATE OF THE VALUE OF THE PROPRIETARY ESTATE IN PENNSYLVANIA.

The proprietaries have for a long series of years made a great secret of the value of their estate and revenue. By accident, the following authentic paper is fallen into our hands, and will serve as a ground-work on which the reader may be enabled to form some idea of the value of that estate in Pennsylvania. It is a copy of an original paper drawn by Mr. Thomas Penn himself, many years ago, and endorsed, "My estimate of the Province, T. PENN."

"ESTIMATE.

	Pennsyl. Currency.
"1. Lands granted since my arrival are very near 270,000 acres, of which not 10,000 have been paid for; more than of old grants are remaining unpaid; is	£ 41,850 0 0
"2. The rent on the said grants is £ 550 sterling a year, which, at twenty years' purchase, and 165 per cent exchange, is	18,150 0 0
"Carried over	£ 60,000 0 0

* Several documents, inserted at this place, in the first edition of the "*Historical Review*," are omitted, for reasons heretofore stated. See above, p. 383. — EDITOR.

	Pennsylva. curr.
"Brought over	£60,000 0 0
"3. The old rent, £420 a year sterling, at ditto, is	15,246 0 0
"4. Lands granted between roll and the first article are £570 a year sterling, which, at twenty years' purchase, and 165 per cent, is . .	18,810 0 0
"5. To the difference between £420 and £570 for arrearages of rents which may be computed at half the time of the other arrearages, that is, eleven years, at 165 per cent	2,722 10 0
"6. Ferries let on short leases, the rents being £40 a year, are worth	1,000 0 0
"7. Lands settled in the province, for which no grants are yet passed, except a few since the above account was taken, not less than 400,000 acres, which, at £15 10*s.* amounts to	63,000 0 0
"The rent at an halfpenny an acre is £833 6*s.* 8*d.* a year sterling, reckoned as above, is . .	27,500 0 0
	£188,278 10 0

"MANORS.

			Per h.	
"1. Conestogo,	65 m. fr. the city,	13,400 ac. at	£40	5,360 0 0
"2. Gilbert's,	25	3,200	70	2,240 0 0
"3. Springfield,	12	1,600	75	1,200 0 0
"4. Highlands,	35	2,500	30	750 0 0
"5. Spring-town,	37	10,000	35	3,500 0 0
"6. Vincent's,	40	20,000	35	7,000 0 0
"7. Richland's,	35	10,000	15	1,500 0 0
"9. About twenty tracts in the several counties, mostly 500 acres each; reckoned		10,000 at	£40	4,000 0 0
	"Springetsbury,		5	1,035 0 0
"8.	On the north side of the town,		30	1,500 0 0
	Back of the said land,	15	10	150 0 0
"9. Lot in the bank at the north end of the town 200 feet, at £3				600 0 0
"10. A front and bank lot between Vine and Sassafras Street, 102 feet, at £6				612 0 0
"11. Bank lot between Cedar and Pine Street, 204 feet, at £3				612 0 0
			"Carried over	£218,337 10 0

	Pennsylva. curr.
" Brought over	£218,337 10 0
" 12. Front lot on the side of Cedar Street, 102 feet, at £3	306 0 0
" 13. Ditto between Cedar and Pine Street, 160 feet, at £2	320 0 0
" 14. Bank lot between same streets, 40 feet, at £2	80 0 0
" 15. Marsh land near the town, 600 acres, at £3	1,800 0 0
" 16. Ditto, 200 acres, at 1s. sterling rent, and 165 per cent, is	330 0 0
" Lands within the draft of the town, at least 500 acres, 250 nearest Delaware, at £15 per acre	3,750 0 0
250 nearest Schuylkill, at £10 per acre	2,500 0 0
" 17. Omitted.—Streiper's tract in Bucks county, 35 miles, 5,000 acres, at £25	1,250 0 0
" 18. The rents of the above manors and lands, being 77,072 acres, at a halfpenny per acre, twenty years' purchase, and 165 per cent exchange, is	5,298 12 0
	£233,972 2 0
" The government to be calculated at no less than was to have been paid for it, viz. £11,000 at 165 per cent, is	18,150 0 0
" In this calculation no notice is taken of the thirds reserved on the bank lots (a copy of the patents J. Penn has by him to show the nature of them*) and nine tenths of the province remains undisposed of.	
" Three fifths of all royal mines is reserved in the grants, and in all grants since the year 1732. One fifth part of all other mines, delivered at the pit's mouth without charge, is also reserved.	
" No value is put on the proprietor's right to escheated lands; and, besides these advantages, several offices are in the proprietor's gift of considerable value.	
" Carried over	£252,122 2 0

* By these patents, at the end of fifty years, the proprietor was to have one third of the value of the lots, and the buildings, and other improvements erected on them.

Pennsylva. curr.

" Brought over £ 252,122 2 0

" Register-general, about £ 200
" Naval officer, 300
" Clerk of Philadelphia, 400
" ——— Chester, 300
" ——— Bucks, 200
" ——— Lancaster, 200

" Besides several other offices of less value. These are only guessed at."

The above paper has no date, but by sundry circumstances in it, particularly there being no value put on the thirds of the bank lots, because they were not then fallen in; and by the valuation put on the lands (which is very different from their present value), it must have been drawn while Mr. Thomas Penn resided in Pennsylvania, and probably more than twenty years ago; since which time a vast addition has been made to the value of the reserved lands, and a great quantity of land has been disposed of, perhaps equal to all preceding.

We must, therefore, add to the above sum of £ 252,122 2 0 the following articles, viz.

1. For the increased value of the lands of the Conestogo manor, now valued at £ 400 per hundred acres, and in the above estimate valued only at £ 40 per hundred, the said increased value being £ 360 per hundred, on 13,400 acres, ... 48,240 0 0
2. For the increased value of Gilbert's manor, now worth £ 400 per hundred acres, ... 10,560 0 0
3. For ditto on Springfield manor, now worth £ 500 per hundred acres, ... 6,800 0 0
4. For ditto on Highland's manor, now worth £ 350 per hundred acres, ... 8,000 0 0
5. For ditto on Springtown, now worth £ 400 per hundred acres, ... 36,500 0 0
6. For ditto on Vincent's manor, now worth £ 300 per hundred acres, ... 53,000 0 0
7. For ditto on Richland's, now worth £ 450 per hundred acres, ... 43,500 0 0

Carried over £ 458,722 2 0

	Pennsylva. curr.
Brought over	£458,722 2 0
9. For ditto on the twenty tracts, now worth £300 per hundred acres, ...	26,000 0 0
8. For ditto on Springetsbury, &c. at least . .	2,685 0 0
9. For ditto on all the articles of lots from No. 9 to 14, being trebled in value, ...	5,060 0 0
15. For ditto on the marsh land, now worth £20 per acre, ...	10,200 0 0
16. For ditto on the value of lands within the draft of the town, now worth, one with another, £50 per acre,*	18,750 0 0
17. For ditto on Streiper's tract, now worth £325 per hundred, ...	15,000 0 0
[On the next articles for the reserved rent, and the value of the government, we add no advance.]	
For the thirds of the bank lots and improvements on them, as they fell in after this estimate was made; reckoning every twenty feet of ground with its improvements, one with another, worth £480, the thirds being £160 for each twenty feet, . . .	37,280 0 0
	573,697 2 0
Carried over	£573,697 2 0

* The lots of land within the plan of the town were originally promised to be *given* to the purchasers of land in the country. But that has been long since discontinued; and for many years past the proprietor has shut the office, and forbid his agents even to *sell* any more of them; intending to keep them all, till he can let them out on high ground-rents, or on building-leases. Five hundred acres divided into house-lots, and disposed of in this manner, will alone make a vast estate. The old proprietor, likewise, in his plan of the city, laid out five large squares, one in each quarter, and one in the centre of the plan, and gave the same to the inhabitants for public uses. This he published in all his accounts of the country, and his papers of invitation and encouragement to settlers; but, as no formal deed or conveyance of those squares is now to be found, the present proprietor has resumed them, turned them again into private property, that the number of his lots may be increased; and his surveyor-general, in his lately published plan of the city, has concealed all those squares, by running intended streets over them. A proceeding equally odious to the people, and dishonorable to the family.

	Pennsylva. curr.
Brought over	£ 573,697 2 0
Thus far for the present value of what was then estimated; but since that time very great quantities of land have been sold, and several new manors laid out and reserved; one of which, viz. that of Conedoguinet, is said to contain 30,000 acres. The quantity sold since the estimate must be at least equal to what was sold before, as the people are doubled, and the manors probably equal in quantity; we may therefore suppose, that a fair estimate of the lands sold, rents and manors reserved, and new towns laid out into lots, since the above estimate, would be at least equal to it, that is, another tenth, and amount also to £ 573,697 2*s.*	573,697 2 0
For eight of these nine tenths of the province which were not disposed of at the time of making the estimate; note, the province grant to William Penn is of three degrees of latitude and five of longitude; each degree of latitude contains 69½ statute miles, and each degree of longitude about latitude 40, contains 53 statute miles; so the dimensions of the province are 265 miles by 208½, which gives for its contents 55,252½ square miles, or thirty-five millions, three hundred and sixty-one thousand, six hundred acres; eight tenths of this quantity is 28,289,280 acres, which, at £ 15 10*s.* per 100 acres (the present selling price), is	4,384,838 8 0
For the yearly quit-rent on 28,289,280 acres at a halfpenny sterling per acre, is £ 58,936 per annum, which, at 165 per cent and twenty years' purchase, is	1,856,484 0 0
For the additional value on one tenth part, at least, of those eight tenths, which, being picked out of the best of the lands after every purchase from the Indians, before any private person is allowed to take up any, and kept for twenty or thirty years, is to be sold at a medium for £ 300 per 100 acres advance; this, on 2,828,928 acres, is	8,486,784 0 0
Carried over	£ 15,875,500 12 0

Pennsylva. curr.

Brought over £ 15,875,500 12 0

For the three fifths of all royal mines, and one fifth of all other mines reserved to these lords proprietors, we can as yet estimate no sum, and must leave it a blank as we find it; but since, in the ridges of mountains not yet settled, some very valuable specimens of ores have been found by travellers, it is not unlikely this article may in time become considerable beyond computation.

For the offices we shall likewise make no estimation, though they are greatly increased in number and value, with the increase of people; as we believe the proprietaries do not raise immediate money from the grants of those offices at present, they being chiefly disposed of to bribe or reward their partisans and favorites, in which however they may find their account.

For the escheats we likewise add nothing; for, though it is thought a valuable article, we have no information on which we can form any judgment concerning its value; it must however be continually increasing.

There is another article, we are greatly at a loss about, which is, the interest of money arising to the proprietors from securities on lands possessed by persons unable to make present payment. These pay, not only quit-rent for the land, but interest for the purchase money. This interest* is thought to be a very considerable income, but we cannot estimate it.

The three lower counties on Delaware, which are a distinct territory and government from the province of Pennsylvania, and held by a different title, are also a very valuable part of the proprietary estate; though what value should be put on the same is at present difficult to say.

Total, in Pennsylvania currency, £ 15,875,500 12 0
In sterling, about TEN MILLIONS!

* See Fisher's account hereafter.

But, on the whole, it appears pretty clearly, that, deducting all the articles containing the valuation of lands yet unsold and unappropriated within their patent, and the manors and rents to be hereafter reserved, and allowing for any small over-valuations in their present reserved lands and incomes, (though it is thought if any be it will not be found to exceed the under-valuation in other instances,) there cannot remain less than a million of property which they now at this time have in Pennsylvania.

And in that province there are but twenty thousand families, to each of which, one with another, there does not belong more than three hundred pounds of property, if so much; which multiplied by twenty thousand gives six million pounds for the whole property of the people there.

The proprietaries then have in present possession a property there at least equal to one sixth of that of the people. They ought, therefore, to pay the same proportion of the taxes.

That the reader may form some judgment of the profits made by this monopoly of land in America, in favor of the HOUSE OF PENN, we shall just mention, that the land is first purchased of the Indians, and none but the proprietors are allowed to purchase of the Indians within the limits of their grant; the Indians of late years have somewhat raised their price; and for the last great purchase in 1754, which was of about *seven millions* of acres, they demanded (how much do you think?) no less than two thousand dollars, amounting, at seven and sixpence currency each, to seven hundred and fifty pounds.

	Pennsylva. curr.
The land so bought the proprietor has the moderation to sell (except the best of it reserved in manors for himself) at so low a price as £ 15 10*s.* per hundred acres, which will produce	£ 1,085,000 0 0
Deduct the purchase money	750 0 0
Remains PROFIT	1,084,250 0 0
Besides the profit of a tenth of the seven millions of acres, reserved in manors to be sold hereafter at an advance of at least three hundred pounds per hundred acres,	2,100,000 0 0
And also the quit-rent to be reserved on seven millions of acres, at a halfpenny sterling per acre, £ 14,583 6*s.* 8*d.*, which, at 165 per cent and twenty years' purchase, is worth	481,250 0 0
Profit, in all	£ 3,665,500 0 0

But, the Indian council at Onondago not being satisfied with the sale of so much land at once, the proprietors have since been obliged to disgorge a part of the hunting country they had not paid for, and re-convey the same to the Indians, who, when they are disposed to sell it, may possibly demand two thousand dollars more, for which the above account must then have credit.

One would think, that where such good bargains are bought of the poor natives, there should be no occasion for fraudulent art to overreach them, in order to take more than is granted; and that if a war, occasioned by such injuries, should be drawn upon the innocent inhabitants, those who were the cause of the war, if they did not, as in justice they ought, bear the whole expense of it, at least they would not refuse to bear a reasonable part. Whether this has ever been the case is now a subject of public inquiry.

But let us see how the land bought in such lumping pennyworths of the natives by the monopolist, is huckstered out again to the King's subjects. To give the reader some idea of this, after remarking that fifteen pounds ten shillings per hundred acres for wild land, is three times dearer than the proprietor of Maryland's price, and ten times dearer than his Majesty's lands in Virginia and Carolina, both as good if not better countries, we shall present him with a genuine account, stated under the hand of the proprietor's receiver-general, obtained with great difficulty by the purchaser of two tracts of land, some time after he had paid his money; when, on more particular consideration of the sum paid compared with the quantity bought, he imagined he had paid too much. The account is as follows, viz.

"*John Fisher in Right of Jacob Job,*	*Dr.*		
"To land, 423 acres 53 perches, in Pextang township, Lancaster County, granted to said Job, by warrant of March 19th, 1742, ...	£65	12	1
"Interest from 1st March, 1732, to 19th March, 1742, is 10 years 18 days, ...	39	11	2
	105	3	3
"19th March, 1742, paid	15	0	0
	90	3	3
"Interest from 19th March, 1742, to 20th February, 1747, is 4 years, 11 months, 1 day, ...	26	11	11
"Quit-rent to next month is 15 years, £13 4*s.* 7*d.* sterling, at 85 per cent, ...	24	9	6
	141	4	8

"*John Fisher in Right of Thomas Cooper,* *Dr.*

"To land, 268 acres in Pextang township, Lancaster County, granted by warrant of 9th January, 1743, to said Cooper, ...	41	10	9
"Interest from 1st March, 1737, to 9th January, 1743, is 5 years, 10 months, 8 days, ...	14	11	9
	56	2	6
"19th January, 1743, paid	7	10	0
	48	12	6
"Interest from 9th January, 1743, to 20th February, 1747, is 4 years, 1 month, 11 days, ...	11	19	10
"Quit-rent to next month is 10 years, £5 11s. 8d. sterling, at 85 per cent, ...	10	6	7
	70	18	11

20th February, 1747.

£141	4	8	
70	18	11	
212	3	7	
10	0		Transfer, &c.
212	13	7	

"Philadelphia, 23d February, 1747.

"Received of John Fisher two hundred and twelve pounds, three shillings, and seven pence, in full for 423 acres in Pextang township, granted by warrant of 19th March, 1742, to Jacob Job, and for 268 acres in same township, by warrant of 9th January, 1743, to Thomas Cooper, both in the County of Lancaster.

£212	3	7	
10	0		fees
212	13	7	

N. B. The quit-rent in full to 1st March, 1747.

"For the Honorable Proprietaries,

"LYNFORD LARDNER, *Receiver-General.*"

The purchaser, not being skilled in accounts, but amazed at the sum, applied to a friend to examine this account, who stated it over again as follows, viz.

	"*John Fisher in the Right of Jacob Job,*			*Dr.*
1742. 19th March.	"To 423 acres, 50 perches of land, in Pextang, County Lancaster, granted to said Job by warrant dated this day . . .	£	65 12	1
	"By cash paid that day		15 0	0
			50 12	1
	"To interest on £50 12*s.* 1*d.* from the 19th March, 1742, to 20th February, 1747, being four years, eleven months, and one day, ...		14 18	9
	"To five years' quit-rent for said land, at one half-penny sterling per acre per annum, viz. from March, 1742, the time the land was surveyed (for quit-rent ought not to be paid before) to March, 1747, amounting in the whole to £4 8*s.* 4*d.* sterling, at eighty-five per cent, the exchange charged in the account delivered, ...		8 5	9
	"20th February, 1747. Sum due on Job's right	£	73 16	7
	"*John Fisher in the Right of Thomas Cooper,*			*Dr.*
1743. 9th January.	"To 268 acres of land in Pextang aforesaid, granted said Cooper by warrant this day, ...	£	41 10	9
	"By cash paid that day		7 10	0
	"9th January, 1743, balance due	£	34 0	9
	"To interest on £34 0*s.* 9*d.* from 9th January, 1743, to 20th February, 1747, being four years, one month, and eleven days, ...		8 7	8
	"To four years and two months' quit-rent for said lands, viz. from January, 1743, to the 1st March, 1747, amounting in the whole to £2 6*s.* 6*d.* sterling, at eighty-five per cent, ...		4 7	2¼
	"20th February, 1747. Sum due on Cooper's right	£	46 15	7¼

"In February, 1747, John Fisher obtained a proprietary patent for the lands above mentioned. But by the accounts then exhibited to him, and which he paid, he was charged on Job's right one hundred and forty-one pounds, four shillings, and eight pence, which is sixty-seven pounds, eight shillings, and a penny more than the above account; and also was charged on Cooper's right, seventy pounds, eighteen shillings, and eleven pence, which is twenty-four pounds, three shillings, and three pence three farthings more than the above account of Cooper's. So that, by the two accounts, it is supposed he has paid ninety-one pounds, eleven shillings, and four pence three farthings more than could legally be received from him.

"The reasons of such great difference in the accounts are as follow, viz.

"1st. That interest has been charged on the consideration money for Job's land, for ten years and eighteen days, before the land was surveyed.

"2d. That quit-rent has also been charged for that time at 85 per cent.

"3d. That the principal and interest to the time of warrant and survey were added together, and that interest was charged for that total to the time the patent was granted.

"4th. That interest has been charged on the consideration money for Cooper's land, for five years ten months and eight days before the land was surveyed.

"5th. That quit-rent has also been charged for that time at 85 per cent.

"6th. That the principal and interest to the time of warrant and survey were added, and interest charged for that total to the time the patent was granted, which is compound interest."

To these remarks of the accountant we shall only add, that the price of exchange between Philadelphia and London is not fixed, but rises and falls according to the demand for bills; that eighty-five per cent, charged for the exchange in this account, is the highest exchange that perhaps was ever given in Pennsylvania, occasioned by some particular scarcity of bills at a particular time; that the proprietor himself in his estimate reckons the exchange but at sixty-five, which is indeed near the medium, and this charge is twenty per cent above it. That the valuing the currency of the country according to the casual rate of exchange with London is in itself a false valuation, the currency not being really depreciated in proportion to an occasional rise of exchange, since every necessary of

life is to be purchased in the country, and every article of expense defrayed by that currency (English goods only excepted), at as low rates after as before such rise of exchange; that, therefore, the proprietor's obliging those who purchase of him to pay their rents according to the rate of exchange is unjust, the rate of exchange including withal the risk and freight on remitting money to England; and is, besides, a dangerous practice, as the great sums to be yearly remitted to him put it in the power of his own agents to play tricks with the exchange at pleasure, raise it at the time of year when they are to receive the rents, by buying a few bills at a high price, and afterwards lower it by refraining to buy till they are sold more reasonably.

By this account of the receiver-general's, it appears we have omitted two other articles in the estimation of the proprietary estate, viz.

For the quit-rents of lands many years before they are granted! . . . . . .

For the interest of the purchase money many years before the purchases are made! . . . . .

On what pretence these articles of charge are founded, how far they may be extended, and what they may amount to, is beyond our knowledge; we are, therefore, obliged to leave them blank till we can obtain more particular information.

No. III.

REFUTATION OF ANONYMOUS ABUSES PUBLISHED AGAINST THE INHABITANTS OF PENNSYLVANIA.

ALTHOUGH we have not in this work taken particular notice of the numerous falsehoods and calumnies which were continually thrown out against the assembly and people of Pennsylvania, to keep alive the prejudices raised by the arts of the proprietary and his agents; yet, as we think it will not be deemed improper to give the reader some specimen of them, we shall on that account, and as it affords additional light concerning the conduct and state of that province, subjoin a paper printed and published here in September, 1757, by a gentleman, who had the best opportunities of being

acquainted with the truth of the facts he relates. Any other proof, indeed, of their authenticity can scarce be thought requisite, when it is known, that since that time no one has ever offered to publish the least thing in contradiction; although before, scarce a week elapsed without the newspapers furnishing us with some anonymous abuse of that colony.

"To the PRINTER of *The Citizen, or General Advertiser.*

"SIR,

"In your paper of the ninth instant, I observe the following paragraph, namely; 'The last letters from Philadelphia bring accounts of the scalping the inhabitants of the back provinces by the Indians; at the same time the disputes between the governor and the assembly are carried on to as great a height as ever, and the messages sent from the assembly to the governor, and from the governor to the assembly, are expressed in terms which give very little hopes of a reconciliation. The bill to raise money is clogged, so as to prevent the governor from giving his consent to it; and the obstinacy of the *Quakers* in the assembly is such, that they will in no shape alter it; so that, while the enemy is in the heart of the country, cavils prevent any thing being done for its relief. Mr. Denny is the third governor with whom the assembly has had these disputes within a few years.'

"As this paragraph, like many others heretofore published in the papers, is not founded in truth, but calculated to prejudice the public against the Quakers and people of Pennsylvania, you are desired to do that injured province some justice in publishing the following remarks; which would have been sent you sooner had the paper come sooner to my hands.

"1. That the scalping of the frontier inhabitants by the Indians is not peculiar to Pennsylvania, but common to all the colonies in proportion as their frontiers are more or less extended and exposed to the enemy. That the colony of Virginia, in which there are very few, if any, Quakers, and none in the assembly, has lost more inhabitants and territory by the war than Pennsylvania. That even the colony of New York, with all its own forces, and a great body of New England troops, encamped on its frontier, and the regular army under Lord Loudoun posted in different places, has not been able to secure its inhabitants from scalping by the Indians; who, coming secretly in very small parties, skulking in the woods, must sometimes have it in their power to surprise and destroy travellers,

or single families settled in scattered plantations, notwithstanding all the care that can possibly be taken by any government for their protection. Sentinels posted round an army, while standing on their guard, with arms in their hands, are often killed and scalped by Indians. How much easier must it be for such an enemy to destroy a ploughman at work in his field!

"2. That the inhabitants of the frontiers of Pennsylvania are not Quakers, were in the beginning of the war supplied with arms and ammunition by the assembly, and have frequently defended themselves and repelled the enemy, being withheld by no principle from fighting; and the losses they have suffered were owing entirely to their situation, and the loose, scattered manner in which they had settled their plantations and families in the woods, remote from each other, in confidence of lasting peace.

"3. That the disputes between the late and present governors and the assembly of Pennsylvania were occasioned and are continued chiefly by New Instructions from the proprietors to those governors, forbidding them to pass any laws to raise money for the defence of the country, unless the proprietary estate, or much the greatest part of it was exempted from the tax to be raised by virtue of such laws, and other clauses inserted in them, by which the privileges long enjoyed by the people, and which they think they have a right to, not only as Pennsylvanians, but as Englishmen, were to be extorted from them, under their present distresses. The Quakers, who, though the first settlers, are now but a small part of the people of Pennsylvania, were concerned in these disputes only as inhabitants of the province, and not as Quakers; and all the other inhabitants join in opposing those instructions, and contending for their rights, the proprietary officers and dependents only excepted, with a few of such as they can influence.

"4. That, though some Quakers have scruples against bearing arms, they have, when most numerous in the assembly, granted large sums for the King's use (as they express it), which have been applied to the defence of the province; for instance, in 1755 and 1756, they granted the sum of fifty-five thousand pounds to be raised by a tax on estates real and personal, and thirty thousand pounds to be raised by excise on spirituous liquors; besides near ten thousand pounds in flour, &c. to General Braddock, and for cutting his roads, and ten thousand pounds to General Shirley in provisions for the New England and New York forces, then on the frontiers of New York; at the same time that the contingent expenses of government, to be otherwise provided for, were greatly

and necessarily enhanced. That, however, to remove all pretence for reflection on their sect, as obstructing military measures in time of war, a number of them voluntarily quitted their seats in assembly in 1756; others requested their friends not to choose them in the ensuing election, nor did any of that profession stand as candidates or request a vote for themselves at that election, many Quakers refusing even to vote at all, and others voting for such men as would and did make a considerable majority in the House, who were not Quakers; and yet four of the Quakers, who were nevertheless chosen, refused to serve, and writs were issued for new elections, when four others, not Quakers, were chosen in their places; so that of thirty-six members, the number of which the House consists, there are not at the most above twelve of that denomination, and those such as are well known to be for supporting the government in defence of the country, but are too few, if they were against such a measure, to prevent it.

"5. That the bill to raise money, said, in the above article of news, to be 'so clogged as to prevent the governor from giving his assent,' was drawn in the same form, and with the same freedom from all clogs, as that for granting sixty thousand pounds, which had been passed by the governor in 1755, and received the royal approbation; that the real clogs or obstructions to its passing were not in the bill, but in the abovementioned proprietary instructions; that the governor having long refused his assent to the bill, did, in excuse of his conduct, on Lord Loudoun's arrival at Philadelphia, in March last, lay his reasons before his Lordship, who was pleased to communicate them to one of the members of the House, and patiently to hear what that member had to say in answer, the governor himself being present; and that his Lordship did finally declare himself fully satisfied with the answers made to those reasons, and give it as his opinion to the governor, that he ought immediately to pass the bill, any instructions he might have to the contrary from the proprietors notwithstanding; which the governor accordingly complied with, passed the bill on the 22d of March, and the money, being one hundred thousand pounds for the service of the current year, has been ever since actually expending in the defence of the province. So that the whole story of the bill's not passing, the clogging of the bill by the assembly, and the obstinacy of the Quakers preventing its passage, is absolutely a malicious and notorious falsehood.

"6. The assertion of the news-writer, 'that, while the enemy is in the heart of the country, cavils prevent any thing being done

for its relief,' is so far from being true, that, 1st. The enemy is not nor ever was in the heart of the country, having only molested the frontier settlements by their parties. 2dly. More is done for the relief and defence of the country, without any assistance from the crown, than is done perhaps by any other colony in America; there having been, soon after the war broke out, the following forts erected at the province expense, in a line to cover the frontier, namely, Henshaw's Fort on Delaware, Fort Hamilton, Fort Norris, Fort Allen, Fort Franklin, Fort Lebanon, Fort William Henry, Fort Augusta, Fort Halifax, Fort Granville, Fort Shirley, Fort Littleton, and Shippensburg Fort, besides several smaller stockades and places of defence, garrisoned by troops in the pay of the province; under whose protection the inhabitants, who at first abandoned their frontier settlements, returned generally to their habitations, and many yet continue, though not without some danger, to cultivate their lands. By these Pennsylvania troops, under Colonel Armstrong, the greatest blow was given to the enemy last year on the Ohio, that they have received during the war, in burning and destroying the Indian town of Kittanning, and killing their great Captain Jacobs, with many other Indians, and recovering a number of captives of their own and the neighbouring provinces. Besides the garrisons in the forts, eleven hundred soldiers are maintained on the frontier in pay, being armed and accoutred, by the province, as ranging companies. And at Philadelphia fifteen iron cannon, eighteen-pounders, were last year purchased in England and added to the fifty they had before, either mounted on their batteries, or ready to be mounted, besides a train of artillery, being new brass field-pieces, twelve and six pounders, with all their appurtenances in extreme good order, and a magazine stored with ammunition, a quantity of large bomb-shells, and above two thousand new small arms lately procured, exclusive of those in the hands of the people. They have likewise this summer fitted out a twenty-gun province ship of war, to scour the coast of privateers, and protect the trade of that and the neighbouring provinces, which is more than any other colony to the southward of New England has done. Pennsylvania also by its situation covers the greatest part of New Jersey, all the government of the Delaware Counties, and great part of Maryland, from the incursions of the Indians, without receiving any contribution from those colonies, or the mother country, towards the expense.

"The above are facts, consistent with the knowledge of the subscriber, who but lately left Philadelphia, is now in London, is not nor ever was a Quaker, nor writes this at the request of any Qua-

ker; but purely to do justice to a province and people of late frequently abused in nameless papers and pamphlets published in England. And he hereby calls upon the writer of that article of news to produce the letters out of which, he says, he has drawn those calumnies and falsehoods, or to take the shame to himself.

"WILLIAM FRANKLIN.

"*Pennsylvania Coffee-House, London,*
"*September 16th*, 1757."

To what is said in the foregoing letter, concerning Colonel Armstrong's expedition to Kittanning, it may not be amiss to add, for the information of the reader, that it was with no small difficulty the commissioners, who were joined with the governor in the disposition of the money granted for the war, obtained the employing a part of the provincial forces as rangers. They repeatedly remonstrated to the governor, that the only effectual manner of carrying on a war with Indians was to fight them in their own way, that is, to send parties frequently into the Indian country to surprise them in their hunting and fishing, destroy their cornfields, burn their habitations, and, by thus continually harassing them, oblige them either to sue for peace, or retire farther into the country. The experience of many years' Indian war in New England was in favor of this measure. The governor himself could not but acknowledge its expediency.

There were motives, however, which, with him, outweighed all other considerations, and induced him, though publicly to approve, yet secretly to decline, carrying it into execution. A militia law was the grand object he had in view, in which he aimed to have the sole nomination of all the officers. These were of course to be proprietary minions and dependents, who, by means of their power, were to awe and influence the elections, and make a change in the assembly; for drafts of such as were most likely to give opposition might easily be made and sent to garrison the frontier. Should therefore the commissioners' scheme of carrying the war into the enemy's country be attended with success, and a stop be thereby put to their future incursions, the governor's main pretext for a militia (which was, the enabling him to defend the frontier,) would of consequence have no longer any appearance of weight. The commissioners, notwithstanding, obstinately persevered in urging, that parties should be sent out in the manner they recommended. The governor was at length obliged to consent, and give orders to Colonel Armstrong for that purpose. Underhand measures seem, however, to have been taken to render this project fruitless.

Such delays were given, from time to time, to the march of the forces, after the intention of the undertaking was publicly known (which by the by was to have been kept a secret), that the enemy might easily have received intelligence of our designs; and, moreover, such a considerable number of men were added to the party, as rendered it highly improbable they should reach the place of their destination undiscovered, upon which depended the whole of their success. By great good luck, they nevertheless unexpectedly arrived at Kittanning and succeeded as above. Encouraged by this fortunate event of their first attempt, the commissioners earnestly pressed that this blow might be followed by another of the same kind, so that the enemy might be kept in continual apprehensions of danger. But these encouragements to the commissioners, to persist in their plan of operations, were inducements with the new governor, as they had been with his predecessor, to evade a compliance.

The darling project of a militia law was of more consequence than the preservation of the blood and treasure of people, with whom he had no natural connexion. And the result is, that, notwithstanding the commissioners have over and over strenuously endeavoured to have parties of rangers sent again into the enemy's country, they have never since been able to prevail with the governor to send them. On the contrary, though they could furnish ten parties for one of the Indians, the forces have been confined within the forts, taught regular military discipline (which is in fact undisciplining them for Indian war), and allowed to do scarce any thing but garrison duty. In the mean time the Indians have been suffered to come down between the forts, murder and scalp the inhabitants, and burn and destroy their settlements, with impunity. That a militia, had the governor such a one as he wishes, could not prevent these outrages, is obvious to every man of common understanding. Frequent trials of this have been made in Virginia, and other governments, where militias have been long in use. The consequence of which was, that, after the governors had, upon the news of any incursions of the enemy, taken the inhabitants from their several businesses and occupations (oftentimes farmers in the midst of harvest), furnished provisions and other necessaries, and marched them, at a great expense, to the place attacked, it was found that the enemy were fled, and perhaps doing mischief in another part of the frontier, at fifty or an hundred miles' distance. The people therefore say with truth, that it would be far less expensive and inconvenient to them, to raise and pay a number of rangers to

be continually employed in that service. And it is certain, that, were but a few rangers properly employed, they would be more effectual in subduing such an enemy, than all the militia or regular forces on the continent of America. The sending of these against scouting parties of Indians, being, as the proverb has it, "setting a cow to catch a hare."

No. IV.

ACCOUNT OF SUNDRY SUMS OF MONEY PAID BY THE PROVINCE OF PENNSYLVANIA FOR HIS MAJESTY'S SERVICE, SINCE THE COMMENCEMENT OF HOSTILITIES BY THE FRENCH IN NORTH AMERICA, EXCLUSIVE OF THE GENERAL CONTINGENT EXPENSES OF THE GOVERNMENT, WHICH HAVE FROM THAT TIME INCREASED VERY CONSIDERABLY.

EXTRACTED FROM THE JOURNALS OF THE ASSEMBLY.

		Pennsylva. curr.
1754 and 1755.	For provisions supplied the King's forces under the command of General Braddock, for opening and clearing a road towards the Ohio, and for establishing a post between Winchester in Virginia and Philadelphia, for the use of the army, at the request of the said general, ...	£ 8,195 14 8
	For provisions supplied the New England, and New York forces under General Johnson, ...	10,000 0 0
	For clothing sent the forces under General Shirley, ...	514 10 1
	For presents to the Six Nations and other Indians in alliance with the crown of Great Britain, and the expenses attending two treaties held with them for securing them to the British interest, ...	2,023 5 0
	Carried over	£ 20,733 9 9

		Pennsylva. curr.		
	Brought over	£ 20,733	9	9
	For maintenance of the Ohio and other western Indians, who had taken refuge in Pennsylvania; French deserters; soldiers' wives belonging to Braddock's army; arms and ammunition delivered to such of the frontier inhabitants as were not able to purchase any for their defence; relief and support of sundry of said inhabitants, who were driven from their plantations by the enemy; and for expresses and other purposes for his Majesty's service, ...	5,653	13	2
	[The above sums were paid out of the treasury and loan-office, and by money borrowed on the credit of the House of Assembly, before the governor could be prevailed on to pass any bills for granting an aid to his Majesty.]			
1756	For raising, paying, and maintaining forces; building forts; maintaining and treating with the King's Indian allies; support of French neutrals, sent from Nova Scotia; billeting and supplying with necessaries the King's regular forces; and other purposes for his Majesty's service, as recommended by his ministers. [By two acts of assembly, £ 60,000 and £ 30,000.] .	90,000	0	0
1757.	For ditto by another act of assembly, . .	100,000	0	0
1758.	For ditto by ditto. [Note, 2,700 men were raised and employed this year in his Majesty's service, by the province of Pennsylvania, in pursuance of Mr. Secretary Pitt's letter.]	100,000	0	0
	For support of a ship of war for protection of trade, (by a duty on tonnage, &c.) for a six months' cruise, ...	6,425	15	0
	For interest paid by the province for money borrowed for his Majesty's service on the credit of the assembly; the charges attending the printing and signing the paper			
	Carried over	£ 322,812	17	11

	Pennsylva. curr.
Brought over	£322,812 17 11
money, and collecting and paying the several taxes granted his Majesty, to the provincial treasurer and trustees of the loan-office, with their and the provincial commissioner's allowances for their trouble, may at least be estimated at	5,000 0 0
For sundry Indian expenses, omitted in the above, ...	38 13 0
	£327,851 10 11
From which deduct one third to reduce the sum to sterling value, an English shilling passing for 1*s.* 6*d.* in Pennsylvania, .	109,283 16 11
Sterling	£218,567 14 0

No. V.

LETTER FROM MR. LOGAN ON THE PROPRIETARY RIGHT TO THE GOVERNMENT OF THE THREE DELAWARE COUNTIES.

As the reader may possibly be curious to know, whether any similar disputes arose between the proprietaries and the several assemblies of the Territory, or Three separated Counties, it may be proper to inform him, that the forbearances of these gentlemen in that district were altogether as remarkable as their assumptions in the province; and to refer him to the following extract of a genuine letter of Mr. Secretary Logan's to one Henry Goldney, an intimate friend of the first proprietary, William Penn, for a solution of all doubts concerning the difference.

"Philadelphia, 3d Month the 12th, 1709.

"HENRY GOLDNEY,

"Esteemed Friend,

"I was favored last fall with thine and other Friends' answer to mine of 3d month last; the contents of which were extremely satisfactory, and, on my part, I shall not be wanting to discharge my

duty to the utmost of my power; but, in my opinion, since the proprietor has several times mentioned that he had proposals made to him for the purchase of a large tract of land on Susquehanna, for which he had an offer of £5,000 sterling, it would be most advisable for him to accept of any such terms, that so he may speedily have the management of his country to himself, by paying the debt there which he has contracted upon it; to which I wish thee and his other good friends would earnestly press him, for in himself I know he is in such cases somewhat too doubtful and backward.

"I now design, through the greatest confidence in thy friendship both to him and me, to be very free with thee in an affair that nearly concerns him and this country in general, in which I shall request thee to exercise thy best thoughts, and, according to the result of these, heartily to employ the necessary endeavours. The case is briefly as follows;

"This government has consisted of two parts; the Province of Pennsylvania, and the Three Lower Counties on Delaware. To the first the proprietor has a most clear and undoubted right, both for soil and government, by the King's letters patent or royal charter; for the latter he has much less to show; for the soil he has deeds of feofment from the Duke of York, but for the government not so much as is necessary. After his first arrival, however, in these parts, he prevailed with the people both of the province and those counties to join in one government under him, according to the powers of the King's charter, which nevertheless extended to the province only, and so they continued, not without many fractions, till after the time of his last departure, when some disaffected persons took advantage of a clause, which he had unhappily inserted in a charter he gave the people, and broke off entirely from those lower counties; since which time we have had two assemblies, that of the province, acting by a safe and undisputed power, but that of the other counties without sufficient (I doubt) to justify them. Last fall the assembly of those counties took occasion to inquire into their own powers, upon a design to set new measures on foot, and have sent home an address by one of their members, Thomas Coutts's brother, who is to negotiate the matter with the Lords of Trade and the ministry, to obtain powers to some person or other, who the Queen may think fit (though Coutts designs it for himself), to discharge all the necessary duties of government over them. This, I doubt, will give the proprietary great trouble; for when the Council of Trade is fully apprized, as by this means they will be, that those counties are entirely disjoined from the province, it is

probable they may more strictly inquire into the proprietor's right of government and legislation with the people there; and it is much to be feared, that they may advise the Queen to dispose of the government of those parts some other way, which would be exceedingly destructive to the interest of the province in general. . . . . .

"Upon the whole, what I have to propose is this, whether it would not be most advisable for the proprietor to consider in time what measures are most fit for him to take for his own and the country's interest, before the blow falls so heavy that it may prove difficult, if at all practicable, for him to ward it off; whether, therefore, it may not be most prudent to part with the government of both province and lower counties together, upon the best terms that can be obtained, before it proves too late for him to procure any. If he should hold the government of the province, nay even of the whole, during his life, he will never gain any thing by it; and, after his decease, it will be lost, or at least be put out of the hands of Friends, and perhaps without any previous terms at all, when now he may be capable himself to negotiate a surrender, both to his own particular interest, and greatly to the advantage of the profession; but, whenever this is done, he should remember our present lieutenant-governor, who will be a sufferer (I fear, at best) by undertaking the charge; and, if any thing fall of course in the way, I wish he would not quite forget an old trusty servant of his, who has been drudging for him these ten years; (but that is not the business.) This I thought necessary to advise thee of, considering thee as one of his best and heartiest friends, and desire thee to communicate the matter to such others as may be most serviceable, but by no means expose this letter, for I would have that kept very private.

"I have wrote to the same purpose to the proprietary himself very fully; but finding, by long experience, how little it avails to write to himself alone of matters relating to his own interest, I now choose this method, and give this early notice before the addresses from hence shall come to hand, which, with the address already gone from the lower counties, will certainly do our business, whether the proprietor will agree to it or not, and therefore best take time while it offers. I shall commit this to thy prudence and discretion, and conclude,

"Thy real loving friend.

"James Logan."

No. VI.

LIST OF THE GOVERNORS, DEPUTY-GOVERNORS, AND PRESIDENTS OF PENNSYLVANIA.

WILLIAM PENN, Proprietor, acted as Governor from October, 1682, to August, 1684.

Thomas Lloyd, President, from August, 1684, to December, 1688.

John Blackwell, Deputy-Governor, from December, 1688, to February, 1689–90.

President and Council, from February, 1689–90, to April 26th, 1693.

Benjamin Fletcher, Governor, from April 26th, to June 3d, 1693.

William Markham, Deputy-Governor, from June 3d, 1693, to December, 1699.

William Penn acted again as Governor, from December 3d, 1699, to November 1st, 1701.

Andrew Hamilton, Deputy-Governor, from November 1st, 1701, to February, 1702–3.

President and Council, from February, 1702–3, to February, 1703–4.

John Evans, Deputy-Governor, from February, 1703–4, to February, 1708–9.

Charles Gookin, Deputy-Governor, from March, 1708–9, to 1717.

Sir William Keith, Deputy-Governor, from March, 1717, to June, 1726.

Patrick Gordon, Deputy-Governor, from June, 1726, to June, 1736.

James Logan, President, from June, 1736, to June, 1738.

George Thomas, Deputy-Governor, from June, 1738, to June, 1747.

Anthony Palmer, President, from June 1747, to June, 1748.

James Hamilton, Deputy-Governor, from June, 1748, to June, 1754.

Robert Hunter Morris, Deputy-Governor, from October, 1754, to August 19th, 1756.

William Denny, the present Deputy-Governor, from August 19th, 1756.

THE Royal Charter for Pennsylvania was granted March 4th, 1681.

The King's Declaration or Proclamation of the said Grant, April 2d, 1681.

The Agreement between William Penn and certain Adventurers and Purchasers, entitled, "Certain Conditions or Concessions,' &c., was signed in England, July 11th, 1681.

The first Frame of Government for the Province was made in England, April 25th, 1682.

The first Laws for the Province were agreed upon in England, May 5th, 1682.

The Duke of York's Deed for Pennsylvania was signed August 21st, 1682.

The Duke of York's Deed of Feofment of Newcastle, and twelve miles Circle, to William Penn, August 24th, 1682.

The Duke of York's Deed of Feofment of a tract of land twelve miles south from Newcastle to the Whorekills, to William Penn, August 24th, 1682.

The first Assembly held in the Province was at Chester, December 4th, 1682.

The Act of Union, annexing the Delaware Counties to the Province, and the Act of Settlement, containing a new Frame of Government, were passed December 6th, 1682.

Another Frame of Government was passed April 2d, 1683.

And another Frame of Government, November 7th, 1696.

The Charter of the City of Philadelphia passed October 25th, 1701.

The Charter of Privileges for the Province, being the present Frame of Government, passed October 28th, 1701.

END OF VOL. III.

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